

**HABERSHAM COUNTY BOARD OF COMMISSION**  
**EXECUTIVE SUMMARY**

**SUBJECT:** Erosion Easement w/Habersham BOE

**DATE:**03/23/2023

**BUDGET INFORMATION:**

ANNUAL-  
CAPITAL-

☒ **RECOMMENDATION**  
☐ **POLICY DISCUSSION**  
☐ **STATUS REPORT**  
☐ **OTHER**

**COMMISSION ACTION REQUESTED ON:** April 17<sup>th</sup>, 2023.

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**PURPOSE:** Habersham County would like to enter into an easement with Habersham County Board of Education for the Fairview tower site location.

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**BACKGROUND / HISTORY:** A new tower site is being built by the county next to the Fairview Elementary parcel. For proper erosion controls the county requires an erosion control easement with the Board of Education.

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**FACTS AND ISSUES:**

- a. The erosion controls will help redirect water flow away from the BOE parcel.
- b. The erosion controls will also protect the tower site from erosion.
- c. There is not enough space to shift the tower site location without new terms with landowner.

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**OPTIONS:**

- 1) Approve easement with Habersham County Board of Education
- 2) Deny easement with Habersham County Board of Education
- 3) Direct vendor and engineers to supply additional option for erosion controls that will work within the space if available.

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**RECOMMENDED SAMPLE MOTION:** I make a motion to approve the easement with Habersham County Board of Education for the Fairview tower site erosion controls.

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**DEPARTMENT: 911**

Prepared by: Tom Priddy

Director \_\_Lynn Smith\_\_\_\_\_

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**ADMINISTRATIVE  
COMMENTS:**\_\_\_\_\_

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

\_\_\_\_\_ **DATE:** \_\_\_\_\_

County Manager

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**After Recording Return To:**

Habersham County  
295 Llewellyn Street  
Clarkesville, GA 30523

**Cross Reference to:**

Warranty Deed recorded in Deed Book  
725 Pages 493-494, Habersham County,  
Georgia Records.

**STATE OF GEORGIA  
COUNTY OF HABERSHAM**

**DECLARATION OF EASEMENT**

This Agreement is entered into this \_\_\_\_ day of \_\_\_\_\_, 2023 between Habersham County Board of Education ("Grantor") and Habersham County, a political subdivision of the State of Georgia ("Grantee").

**WHEREAS**, Grantor is the owner of a certain tract of real property being further described in Exhibit "A," which is attached hereto and incorporated herein by reference. Hereinafter referred to as the "Subject Property."

**WHEREAS**, Grantor has agreed to grant unto Grantee an easement over, across and upon the Subject Property for the purposes stated herein;

**NOW, THEREFORE**, in consideration of the sum of TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATIONS, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties do hereby agree as follows:

- I. Grantor does hereby grant and convey to Grantee an easement to and upon that portion of the Subject Property as set forth in Exhibit "B" and designated as "Permanent Slope Easement," which is attached hereto and incorporated by reference thereto for the following purposes: (a) ingress and egress; (b) mobilization and transport of machinery and equipment across the Subject Property in connection with construction and

maintenance of an embankment for erosion control related to Grantee's E911 tower to be constructed on the parcel adjacent to the Subject Property.

2. Said easement shall run with the land and shall benefit all properties described in Exhibit "A," its owners, successors and assigns.
3. All costs associated with the construction of said erosion control embankment and any maintenance expenses for said embankment shall be borne by Grantee. Grantee shall hold Granter harmless from any and all liability which may incur as a result of construction or maintenance of the erosion control embankment.
4. This Agreement shall be interpreted and enforced in accordance with Georgia law.
5. This Agreement shall not be modified except by a written document executed by Granter and Grantee.

**IN WITNESS WHEREOF**, the undersigned have hereunto affixed their hands and seals the aforementioned date and year.

Signed, sealed and delivered in  
the presence of:

**HABERSHAM COUNTY BOARD  
OF EDUCATION (GRANTOR):**

By: \_\_\_\_\_

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Notary Public  
Commission Expires: \_\_\_\_\_

Signed, sealed and delivered in  
the presence of:

**HABERSHAM COUNTY (GRANTEE):**

By:• \_\_\_\_\_

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Notary Public  
Commission Expires: — — — —

## EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lots 26 and 35 of the 10<sup>th</sup> Land District of Habersham County, Georgia, containing 100 acres, more or less, as shown on Plat of Survey prepared for The Habersham County Board of Education by Jeff Weshner, R.L.S., dated June 2, 2005 and recorded among Habersham County, Georgia Records in Plat Book 57, Page 243, said plat being incorporated herein by reference for a more full and complete description.



# EXHIBIT B

LE GEND

PRCPCSm SLT FENCE:

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CGSRNC MINOR CONTOUR

PRCPCSE>c:amxJR  
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DISTURBANCE

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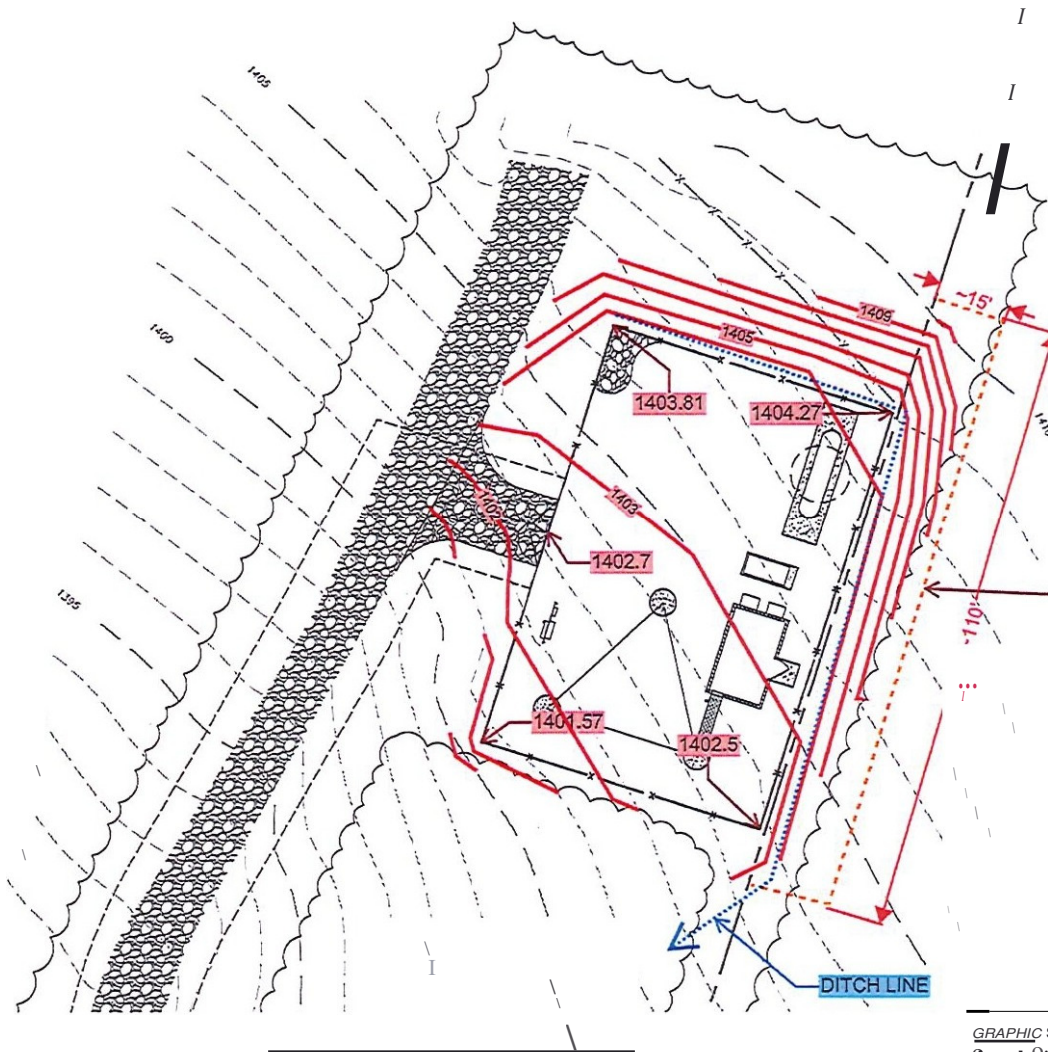
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PERMANENT SLOPE  
EASEMENT

DITCH LINE

GRAPHIC SCALE  
h.J'0' 2'

(SCALE IN RA:1)

11x17 SCALE: 1"-20'  
24x36 SCALE: 1"-10'

HABERSHAM COUNTY  
CZ01QA.1?n. 1818

**DATAPATH**  
WIRELESS GROUP

**FORESITE**

Grow U.C.  
S1-10-11-11  
UIC  
C-11-11-11-11

DRAFT  
FOR REVIEW

PROJECT: FAIRVIEW

10x11m AL  
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REVISIONS DATE:

PROJECT MAN>aR:  
ORA TOIG BY:  
DATE: 12/14/22  
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GRADING & EROSION  
CONTROL PLAN

SN-ETNUMIER: e s.e

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GRADING & EROSION CONTROL PLAN

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