

HABERSHAM COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY

SUBJECT: Access Easement

DATE: May 9, 2025

BUDGET INFORMATION:
ANNUAL-
CAPITAL-

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

COMMISSION ACTION REQUESTED ON: May 19, 2025

PURPOSE: The purpose of this agenda item is to seek Commission approval of a driveway access easement for the Animal Shelter facility.

BACKGROUND / HISTORY: The Public Works Director is requesting Commission approval to accept the dedication of an 60 foot Ingress/Egress Easement in connection with the construction and maintenance of a Habersham County facility.

FACTS AND ISSUES:

- The Animal Shelter facility requires an easement from the adjacent property to access the new facility.
 - The property owner has signed the easement and fully supports the project and terms of the easement.
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OPTIONS:

- 1) Approve recommendation
 - 2) Deny recommendation
 - 3) Commission defined alternative
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RECOMMENDED SAMPLE MOTION: Motion to approve easement and authorize chairman to execute.

DEPARTMENT:

Prepared by: Mike Gardner *MPG*

Director: Jerry Baggett

**ADMINISTRATIVE
COMMENTS:**

_____ **DATE:** _____

County Manager

After Recording Return To:

Habersham County
295 Llewellyn Street
Clarkesville, GA 30523

Cross Reference to:

Warranty Deed recorded in Deed Book
281 Page 391, Habersham County,
Georgia Records.

**STATE OF GEORGIA
COUNTY OF HABERSHAM**

DECLARATION OF ACCESS EASEMENT

This Agreement is entered into this **21** day of **April**, 2025 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:

1. Grantor does hereby grant and convey to Grantee an access easement to and upon that portion of the Subject Property as set forth in Exhibit "B" and designated as "60 foot proposed Ingress/Egress Easement," (Access Easement) which is attached hereto as Exhibit "C" 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 a Habersham County facility to be constructed and located 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 maintenance of said easement shall be borne by Grantee. Grantee shall hold Granter harmless from any and all liability which may be incurred as a result of construction or maintenance of the access easement.
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):

Staci Newsome
Witness

By: Russell H. Nelson III

Nancy Elizabeth Rennels
Notary Public
Commission Expires: 10-16-2026



Signed, sealed and delivered in
the presence of:

HABERSHAM COUNTY (GRANTEE):

Witness

By: _____

Notary Public
Commission Expires:

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 101 of the 10th Land District of Habersham County, Georgia, containing 94.78 acres, more or less, as shown on plat of survey made for Piedmont College by Hubert Lovell, Registered Surveyor, under date of December 5, 1991, a copy of said plat being recorded in the office of the Clerk of Superior Court of Habersham County, Georgia Records in Plat Book 31, Page 189, to which said plat and the record thereof reference is hereby made for a more complete description.

This is the same property transferred by Piedmont College to the Habersham County Board of Education by deed dated January 30, 1992 and recorded in Deed Book 281 at Page 391 of the Habersham County, Georgia Deed Records.

EXHIBIT "B"

All that tract or parcel of land lying and being in Land Lot 101 of the 10th Land District of Habersham County, Georgia and more fully described:

Commencing at a found 5/8" rebar on the right of way of Old Athens Highway (80' right of way) with a Georgia State Plane coordinate having a Northing: 1,646,017.88, Easting: 2,476,505.23 (NAD 1983, Ga. West Zone); thence leaving the right of way of Old Athens Highway N37°29'23"W a distance of 1087.42' to a point in the centerline of a gravel road and the TRUE POINT OF BEGINNING; thence that parcel of land consisting of 30 feet either side of the centerline of a gravel drive N89°36'50"W a distance of 56.02' to a point; thence S83°48'13"W a distance of 68.40' to a point; thence S77°02'05"W a distance of 55.79' to a point; and thence S72°05'44"W a distance of 131.23' to a point and the TRUE POINT OF BEGINNING.

EXHIBIT 'C'

See attached plat depiction.

