



RIGHT-OF-WAY/EASEMENT DEDICATION PROCESS DIRECTIONS AND DOCUMENT CHECKLIST

Fulton County Land Division
141 Pryor Street, Suite 8021
Atlanta, Georgia 30303
404-612-7870
404-730-7877 (fax)

IMPORTANT NOTICE

*****RIGHT OF-WAY AND EASEMENT DEDICATIONS MAY ONLY BE RECORDED BY A REPRESENTATIVE OF THE LAND DIVISION. PLEASE DO NOT ATTEMPT TO RECORD THESE DOCUMENTS ON YOUR OWN. THANK YOU. *****

DIRECTIONS

Step #1: Acquire appropriate documentation from a representative of the Department of Environment & Community Development (E & CD). Documents include:

- Directions and Document Checklist
- Right-of-Way or Easement Dedication Information Summary
- Right-of-Way Deed or Easement Document
(Note: please ensure you have the proper document for the right-of-way/easement dedication. The "individual forms" are to be executed by an individual (or individuals) whereas the corporate forms are to be utilized by corporations, LLCs, partnerships and the like.)
- Owner's Affidavit Document (Corporate or Individual)
- Signature requirements

Step #2: Prepare documents, plats, and metes and bounds legal description under the requirements set forth in these directions and by the representatives of E & CD.

Step #3: Return completed deed or easement forms, plats, metes and bounds legal description, and any other required documentation to E & CD. A representative of E & CD will conduct a cursory review of the documentation and ensure that the plat has been prepared correctly.

Step #4: Once plat is approved **and initialed** by a representative of E & CD, submit all required documentation to the Land Division, which is located on the 8th floor of the Government Center in **Suite 8021**.

Step #5: A representative of the Land Division will conduct a thorough review of the documentation. If all of the requested information has been provided and no corrections are needed, the Land Division will accept the deed or easement for processing and will provide an approval form to be returned to E & CD.

Step #6 Return Land Division approval form and copy of deed or easement to E & CD. A representative for E & CD will then grant your land disturbance permit if all of their other requirements have been met.

**IF YOU HAVE ANY REAL ESTATE-RELATED QUESTIONS REGARDING THIS PROCESS,
PLEASE CONTACT THE LAND DIVISION AT 404-612-7870.**

**IF YOU HAVE ANY QUESTIONS REGARDING THE PERMITTING PROCESS,
PLEASE CONTACT ENVIRONMENT & COMMUNITY DEVELOPMENT AT 404-730-8000.**



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CHECKLIST

The following items must be submitted to the Land Division for proper processing:

- ✓ Fully executed document signed in accordance with signature requirements included in the document entitled "Requirements for Conveying Title to Land". All documents shall be witnessed and notarized.
NOTE: Please be sure to follow the signature guidelines as presented in the "Requirements for Conveying Land to Fulton County" as there are different requirements for different ownership entities. For instance, a corporation conveyance requires at least two officer signatures OR at least one officer signature and a corporate seal (we prefer two officer signatures AND a corporate seal.)
- ✓ Executed "Owner's Affidavit" form. This document shall also be witnessed and notarized. Please note that the "individual form" is to be executed by an individual (or individuals) whereas the corporate form is to be utilized by corporations, LLCs, partnerships and the like.
- ✓ Copy of title report showing current ownership to the property **OR** copy of most recent recorded deed to property showing current ownership
- ✓ Proof of authorization to sign for corporation, LLC, partnership, etc. (*See Item #2 on Requirements for Conveying Title to Land*)
- ✓ Completed Information Summary (*Attached to Right-of-Way Deed or Easement Document*)
- ✓ Plat map (*to be attached as "Exhibit A" to the right-of-way deed/easement document and the owner's affidavit; see requirements below*)
- ✓ Metes and bounds legal description of area to be dedicated

PLAT MAP REQUIREMENTS

- ✓ Plat map shall be signed, stamped, and dated by a professional engineer (P.E.) or a registered land surveyor
- ✓ Plat map shall be no smaller than **8 ½ inches by 11 inches** and no larger than **11 inches by 17 inches**
- ✓ Plat map shall provide enough information to easily identify dedicated right-of-way area or dedicated easement area in the field. Please show land lot lines.



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PLAT MAP REQUIREMENTS (continued)

- ✓ Name of project shall be shown on map
- ✓ Parcel identification number of each impacted property shall be included
- ✓ Name of property owner(s) of each impacted property shall be included
- ✓ Map shall have a north arrow
- ✓ Please show scale of plat map (minimum scale 1"=20'; maximum scale 1"=100')
- ✓ Note existing conditions within easement area
- ✓ Describe right-of-way and/or easement area by bearings and distances
- ✓ Describe any water/sewer lines by bearings and distances
- ✓ Easement shall be tied back to the point of beginning. Provide angle and distance tie at each property line.
- ✓ Indicate the total square feet of construction and permanent easement for each property owner
(Note: Permanent easements shall be a minimum width of 20 feet)
- ✓ Indicate Grantor(s) name in title block of right of way/easement plat
- ✓ Indicate subdivision name (if known) and include plat book page and number

OTHER NOTES

- ✓ Please make sure to print names below signatures. Those signing on the behalf of a corporation, LLC, partnership, etc. should also provide their title.
- ✓ Any corrections made to the document should be crossed out and initialed by those signing the document.
- ✓ Please do not make any changes to the wording of the document without prior approval from the Land Division (404-612-7870). Any unauthorized changes to the form could delay the permitting process.



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OTHER NOTES (continued)

- ✓ Projects often require the acquisition of property rights from neighboring property owners. An example of this situation would involve the need to acquire a sewer or water line easement across an abutting property so that a petitioner's (developer's) property could be connected to the nearest sewer or water line. In these situations, the petitioner **must** negotiate with the neighboring property owner(s) in an attempt to acquire the necessary right-of-way and/or easements. Please note the following:
 - Right-of-way/easement dedications will only be accepted if executed on forms approved by Fulton County. As noted above, please do not make any changes to the document language without prior approval from the Land Division. Any stipulations or monetary agreements between the petitioner and the neighboring property owner should be included in a separate agreement between the two parties.
 - Petitioner must provide proof of ownership (copy of recorded deed or title report) of the person or entity granting the right-of-way and/or easement to Fulton County. Please remember to obtain proof of authorization to sign for corporation, LLC, partnership, etc.
 - If the right-of-way and/or easement area required for the project has already been dedicated to Fulton County, please provide a copy of the recorded right-of-way deed, easement document, and/or plat.
- ✓ Documents should be executed in the same fashion that any other real estate transaction would be executed by the particular entity. For example, let's assume that the property ownership is in the name of XYZ Development, LLC and ABC Developers, Inc. serves as its "Manager". Furthermore, John Smith is the president of ABC Developers, Inc. and is authorized to execute real estate documents on behalf of ABC Developers, Inc. In this situation, the document should be executed as follows:

XYZ Development, LLC

By: **ABC Developers, Inc., its Manager**

By: _____ (Authorized Signature)

Print Name: **John Smith**

Title: **President**