



Engineering Services Committee Meeting Committee Room- 6/8/2009- 1:15 PM

ENGINEERING SERVICES

1. Motion to approve an Option for the purpose of acquiring a Right-of-Way between Sprint Food Stores, Inc., as owner, and Augusta, Georgia, as optionee, in connection with the Marvin Griffin Road Improvement Project, acre (1,710 sq. ft.) in fee from the property located at 3444 Mike Padgett Hwy., private, at a purchase price of \$13,000.00. Also granted is one temporary construction easement. ☐ [Attachments](#)
2. Approve Change Order #5 on the Augusta Judicial Center in the amount of \$334,111 for unforeseen underground conditions on the site. The revised Contract GMP will be \$47,404,841.00. ☐ [Attachments](#)
3. Consider a request by Ms. Barbara Copping regarding a waiver of the solid waste charges for the property at 1615 Cornell Drive. ☐ [Attachments](#)
4. Approve modification to the job description and education/experience requirements for the Traffic Engineer Manager position as requested by the Augusta Engineering Administration - Traffic Engineering Division. ☐ [Attachments](#)
5. Motion to approve an Option for the purposes of acquiring a Right-of-Way between George Victor Raley, Michael Dean Raley, and Sally Harper Raley, as owners, and Augusta, Georgia, as optionee, in connection with the Marvin Griffin Road Improvement Project, (1,735 sq. ft.) in fee and (248 sq. ft.) of permanent construction and maintenance easement from property located at: 1625 Marvin Griffin Road, private, at the purchase price of \$1,500.00. Also granted is one temporary construction easement. ☐ [Attachments](#)
6. Motion to approve a claim for Rent Supplement for Ping Du, as Tenant, in connection with the Alexander Drive Project at 2503 Carriage Creek. Approved by Engineering for \$38,850.00. ☐ [Attachments](#)
7. Motion to approve an Easement Deed from Tyco Healthcare Group L.P. ☐ [Attachments](#)



**Engineering Services Committee Meeting
6/8/2009 1:15 PM
Acquisition of Right-of-Way and Easement**

Department: Law

Caption: Motion to approve an Option for the purpose of acquiring a Right-of-Way between Sprint Food Stores, Inc., as owner, and Augusta, Georgia, as optionee, in connection with the Marvin Griffin Road Improvement Project, acre (1,710 sq. ft.) in fee from the property located at 3444 Mike Padgett Hwy., private, at a purchase price of \$13,000.00. Also granted is one temporary construction easement.

Background: The property owner has agreed to convey a certain right-of-way and easement to Augusta, Georgia, for the Marvin Griffin Road Improvement Project.

Analysis: The purchase of the referenced property is necessary for the project.

Financial Impact: The costs necessary for this purchase will be covered under the project budget.

Alternatives: Deny the motion.

Recommendation: Approve the motion.

Funds are Available in the Following Accounts: 3230401110-54.11120 296823603-54.11120

REVIEWED AND APPROVED BY:

**Finance.
Law.
Administrator.
Clerk of Commission**

AUGUSTA, GEORGIA
OPTION FOR RIGHT-OF-WAY

GEORGIA, RICHMOND COUNTY

Received of Augusta, Georgia, the sum of one (\$1.00) dollar, the receipt whereof is hereby acknowledged, and in consideration of the benefits derived by me from the proposed project mentioned herein, I bind myself, my heirs, executors and assigns as follows:

If the said Augusta, Georgia, shall within 60 days after date hereof, pay me the sum of \$ 13,000.00, then the undersigned agrees to execute and deliver to Augusta, Georgia, fee simple title and easements to the land owned by the undersigned, which is shown reflected in color on the right-of-way map attached hereto and made a part hereof by reference, to be used for highway purposes on the MARVIN GRIFFIN ROAD IMPROVEMENT PROJECT, being Project Parcel 1, (Tax Map 134-1, Parcel(s) 070-08), consisting of 1,710 sq. ft. in fee, more or less, and N/A sq. ft. of permanent construction and maintenance easement, more or less, and 1,193 sq. ft. of temporary construction easement, more or less, on project MARVIN GRIFFIN ROAD IMPROVEMENT.

*****SPECIAL PROVISION*****

The said parcel of land as above indicated is shown upon plans on file in the office of Augusta Engineering, Augusta, Georgia, said plans being identified as the MARVIN GRIFFIN ROAD IMPROVEMENT PROJECT.

Witness my hand and seal this 6 day of March, 2009.

Signed, Sealed and Delivered
in the presence of:

SPRINT FOOD STORES, INC.

Unofficial Witness

NOTARY PUBLIC

(L.S.)

As Its: President

(L.S.)

(L.S.)

Accepted by:
AUGUSTA, GEORGIA

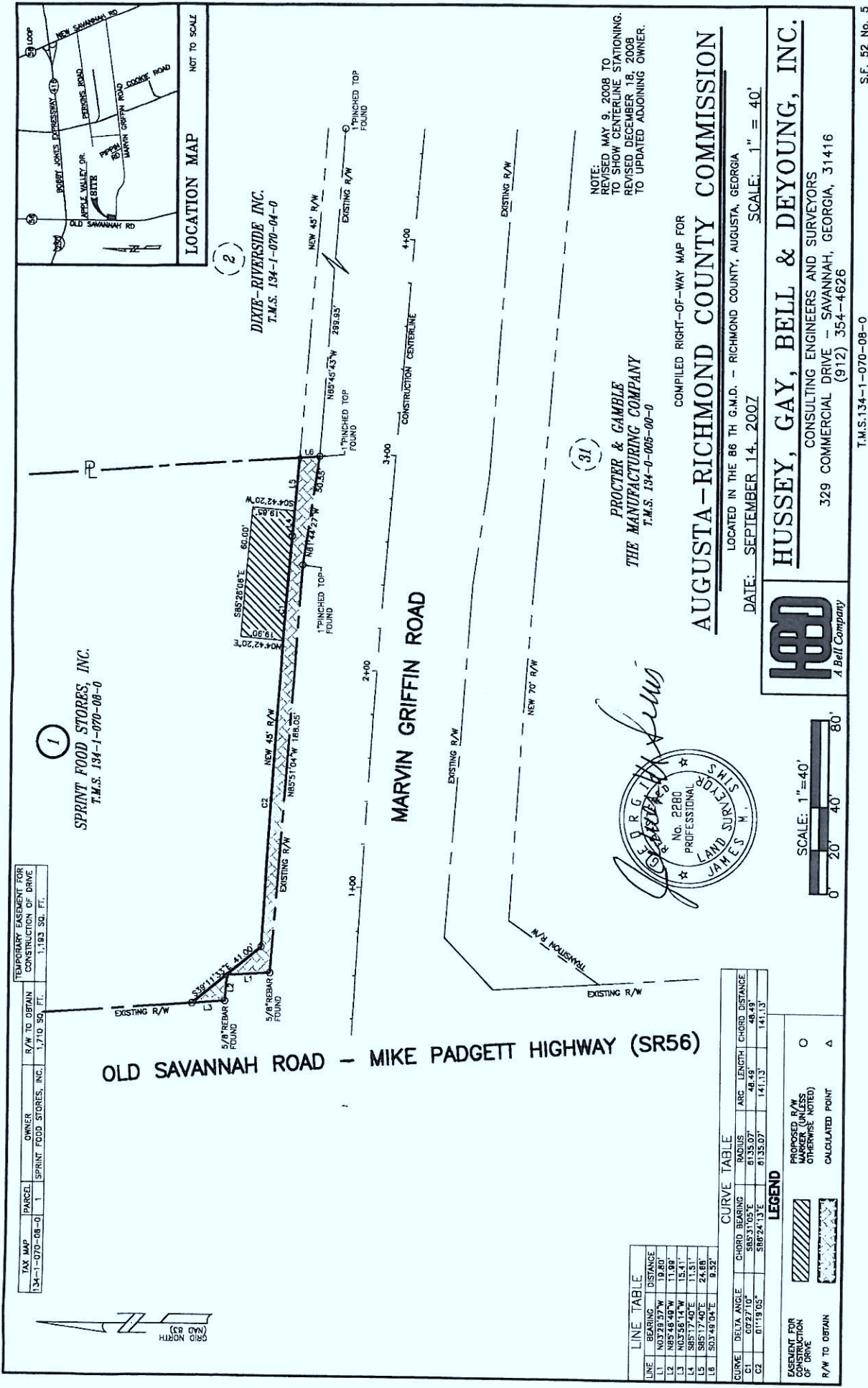
Administrator

DATE

Project Parcel 1
(Tax Map 134-1, Parcel No. 070-08.)

INITIALS

My Commission Expires
June 28 2011
My Commission Expires
June 28 2011





Engineering Services Committee Meeting

6/8/2009 1:15 PM

APPROVE CHANGE ORDER #5 FOR THE NEW JUDICIAL CENTER

Department:	Public Services Department - Facilities Management Division
Caption:	Approve Change Order #5 on the Augusta Judicial Center in the amount of \$334,111 for unforeseen underground conditions on the site. The revised Contract GMP will be \$47,404,841.00.
Background:	Potts Construction was selected under RFQ 07-180 as the Judicial Center project's Construction Manager at Risk. Construction of the new Judicial Center Facility is located in an urban setting in an older city, thus knowledge of prior remaining and existing underground conditions was not possible to completely ascertain before actual construction activity on the site. As is common on sites in a urban setting, there are remnants left over from previous activities on the site including foundations and abandoned transportation infrastructure. This is in addition to the usual unsuitable soil common on sites with no prior building history.
Analysis:	The proposed Change Order #5 and associated costs have been reviewed, recommended and signed off by the Turner Associates Architects and Potts Construction per the contract requirements for acceptance by the Augusta - Richmond County Commission. The items contained in the change order are all related to unknown and unforeseen underground conditions which have occurred at below grade conditions discovered during site grading and underground work.
Financial Impact:	The Change Order #5 total is \$334,111.00 Revised contract amount will be \$47,404,841.00
Alternatives:	1. Approve Change Order #5 on the Augusta Judicial Center in the amount of \$334,111 for unforeseen underground conditions on the site. The revised Contract GMP will be \$47,404,841.00. 2. Do not approve Change Order #5
Recommendation:	#1. Approve Change Order #5 on the Augusta Judicial Center in the amount of \$334,111 for unforeseen underground conditions on the site. The revised Contract GMP will be \$47,404,841.00.
Funds are Available in the Following Accounts:	FUNDS ARE AVAILABLE IN ACCOUNT: #325-05-1120/209251104, Object Code #5413130.

Cover Memo

Item # 2

REVIEWED AND APPROVED BY:

Finance.
Procurement.
Law.
Administrator.
Clerk of Commission

Marion L. Johnson

Subject: FW: AJC - Owner Change Order #5
Attachments: Scan of OCO #5 with RCO back-up.pdf

From: John Lukens [mailto:jlukens@pottSCO.com]
Sent: Tuesday, May 05, 2009 4:12 PM
To: Marion L. Johnson
Cc: 'Green, Don'; 'Bitter, David'; 'Shane Stevens'; 'Steve Heyward'
Subject: AJC - Owner Change Order #5

Lindsay,

Attached is the Owner Change Order (OCO) #5 with the corresponding RCO's. David Bitter has signed all the RCO's as well as the OCO. We are including these documents in our Amendment B-5 document that is being sent to you overnight. If you need any additional information please let us know.

Thanks,

John G. Lukens, LEED AP
Senior Project Manager



(770) 483-9299 Office
(770) 733-8063 Cell



HEERY



TURNER ASSOCIATES
ASSOCIATES & PLANNERS, INC.

Owner Change Order

Project [2807JC] - Augusta
Richmond County Judicial
Center

Date 5/5/2009

Turner Associates & Planners, Inc.
215 Peachtree Street
Suite 200
Atlanta, Georgia 30303

OCO No. 005

Date 5/5/2009

**Budget
Status**

New

Description Unforeseen Conditions and Additional Pile Length

From David Bitter
Turner Associates & Planners, Inc.
215 Peachtree Street
Suite 200
Atlanta, Georgia 30303

To John G. Lukens
The Potts Company
981 East Freeway Drive
Conyers, GA 30094

**Schedule
Change** 0 days

RCO

002, 004, 005, 007

**Scope of
Work** Perform remedial work due to unforeseen conditions at the site including the additional pile lengths recorded. These items are outlined in RCO #2, #4, #5, & #7 attached.

Total

\$334,111.00

\$334,111.00

**Turner Associates & Planners, Augusta, Georgia
Inc.**

Signed: *David G. Bitter*

By: David Bitter, AIA

Date: 5/5/09

Signed:

By:

Date:

The Potts Company

Signed: *John G. Lukens*

By: John G. Lukens, Sr.
Project Manager

Date: 5-5-09

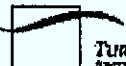


Request For Change Order

Project [2807JC] - Augusta Richmond
County Judicial Center

Date 4/13/2009

HEERY



TURNER ASSOCIATES
& PLANNERS, INC.

The Potts Company
981 East Freeway Drive
Conyers, GA 30094

RCO No. 002

Date 4/13/2009
Cost Event
No.

Budget Status New

Description Unsuitable Materials through 3-17-09

From John G. Lukens
The Potts Company
981 East Freeway Drive
Conyers, GA 30094

To David Bitter
Turner Associates & Planners, Inc.
215 Peachtree Street
Suite 200
Atlanta, Georgia 30303

Schedule Change 0.00 days

Scope of Work Remove unsuitable materials (concrete, brick, refuse, & organic materials) and haul-in suitable fill material and compact in place to specified density. Work done as directed by Owner's Geotechnical Engineer through 3-17-09.

Total

Submitted
\$63,639.00

The Potts Company

Augusta, Georgia

Turner Associates & Planners,
Inc.

Signed:

Signed:

By: Fred Russell, City
Manager

Signed:

By: David Bitter, AIA

Date:

4-13-09

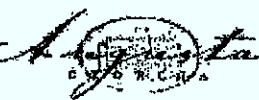
Date:

Date:

4/24/09



HEERY



TURNER ASSOCIATES
Associates & Planners, Inc.

Request For Change Order

Project [2807JC] - Augusta
Richmond County Judicial
Center

Date 5/1/2009

The Potts Company
981 East Freeway Drive
Conyers, GA 30094

RCO No. 004

Date 5/1/2009

Budget Status New

Cost Event No.

Description Demo Existing Building Foundations

From John G. Lukens
The Potts Company
981 East Freeway Drive
Conyers, GA 30094

To David Bitter
Turner Associates & Planners, Inc.
215 Peachtree Street
Suite 200
Atlanta, Georgia 30303

Schedule Change 0.00 days

Scope of Work Demolish existing concrete building foundations located north of Fenwick Street. Remove down to about 2' below finish grade. Debris removal handled under separate Change Order. This cost is for actual equipment time used in demolition including hammering down the top of steel cistern left in place.

Total

Submitted
\$22,948.00

The Potts Company	Augusta, Georgia	Turner Associates & Planners, Inc.
Signed: <i>John G. Lukens</i>	Signed:	Signed: <i>David Bitter</i>
By: John G. Lukens, Sr. Project Manager	By: Fred Russell, City Manager	By: David Bitter, AIA
Date: 5-4-09	Date:	Date: 5/5/09

Request for Change Order # 04

Equipment time used for Removal of Building Foundations and Cistern found.

[illegible]

Subtotals:

7% \$

1.5% \$

\$ 21,431.61

15% \$

7%	\$	1,516.41
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\$ 22,948

The Potts Company

5/4/2009 5:11 PM

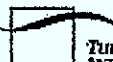


Request For Change Order

Project [28073C] - Augusta
Richmond County Judicial
Center

Date 5/1/2009

HEERY



TURNER ASSOCIATES
Architects & Planners, Inc.

The Potts Company
981 East Freeway Drive
Conyers, GA 30094

RCO No. 005

Date 5/1/2009 **Budget Status** New

Cost Event No.

Description Remove Unsuitable Materials at Parking Areas through 4-30-09

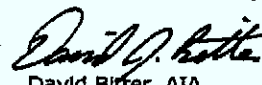
From	John G. Lukens The Potts Company 981 East Freeway Drive Conyers, GA 30094	To	David Bitter Turner Associates & Planners, Inc. 215 Peachtree Street Suite 200 Atlanta, Georgia 30303
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Schedule Change 0.00 days

Long Description Remove unsuitable materials and perform limited undercutting of parking areas (as directed) where organics, brick and other debris are located. Work paid per the Unit Prices established in Exhibit B-4 (Schedule 'A', Attachment 'F'), with the Haul-off quantities documented by Graves Engineering (see attached summary). Haul-in quantities are equal to haul-off. After removal, remaining area to be densified using a vibratory compactor and prepared for pavement. The Owner has decided that in lieu of removing any additional unsuitable materials to an unknown depth, this expense will be saved for any possible pavement repairs in the future. A soil separation / stabilization fabric (equal to Amoco 2006), will be added under a separate Change Order prior to paving.

Disclaimer It is expressly understood that The Potts Company is performing the work required by this Change Order as directed by the Owner. As such, The Potts Company shall have no responsibility or liability, for the performance of pavement systems due to the inadequate existing underlying soils. The Potts Company does not warrant the pavement performance from failure or cracking due to the movement, settlement or conditions of the underlying soils. The Owner understands that since the underlying unsuitable soils have not been fully removed per the geotechnical engineer's recommendation, there remains a possibility of early pavement failure which requires remedial attention. In no event shall the Owner make claim against The Potts Company for any damages caused by deficient underlying soils.

		Submitted
Total		\$223,526.00

The Potts Company		Augusta, Georgia	Turner Associates & Planners, Inc.
Signed:		Signed:	
By:	John G. Lukens, Sr. Project Manager	By:	Fred Russell, City Manager
Date:	5-4-09	Date:	5/5/09

Augusta Richmond County Judicial Center

Haul-off Unsuitable Materials and Haul-in Replacement Fill Calculated Quantities per Graves Engineering Reports

Date	Haul-off CY	Notes
3/24/2009	128	
3/25/2009	192	
3/26/2009	1512	
3/27/2009	454	
3/30/2009	1344	
3/31/2009	750	
4/3/2009	60	
4/6/2009	0	noted on TPC Daily no GE report
4/7/2009	304	
4/8/2009	530	
4/9/2009	112	
4/10/2009	210	
4/16/2009	151	
4/17/2009	130	
4/22/2009	224	
4/23/2009	504	
4/29/2009	544	
4/30/2009	800	
Total	7,949	

Haul-Off Qty =	7,949	CY at	\$ 11.25	per CY =	\$ 89,426.25
Haul-In Qty =	7,949	CY at	\$ 16.87	per CY =	\$ 134,099.63
					\$ 223,525.88

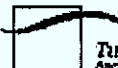


Request For Change Order

Project [2807JC] - Augusta Richmond
County Judicial Center

Date 4/13/2009

HEERY



TURNER ASSOCIATES
ARCHITECTS & PLANNERS, INC.

The Potts Company
981 East Freeway Drive
Conyers, GA 30094

RCO No. 007

Date 4/13/2009

Budget Status New

Cost Event
No.

Description Additional length of Auger Cast Piles beyond allowance.

From

John G. Lukens
The Potts Company
981 East Freeway Drive
Conyers, GA 30094

To

David Bitter
Turner Associates & Planners, Inc.
215 Peachtree Street
Suite 200
Atlanta, Georgia 30303

Schedule
Change 0.00 days

Scope of
Work Adjustment in price based on final calculation of Auger Cast Pile lengths per Graves
Engineering final summary dated 4-7-09.

Total

Submitted
\$23,998.00

The Potts Company

Augusta, Georgia

Turner Associates & Planners,
Inc.

Signed:

By: John G. Lukens, Sr. Project
Manager

Signed:

By: Fred Russell, City
Manager

Signed:

By: David Bitter, AIA

Date:

4-13-09

Date:

Date:

4/24/09

**Augusta-Richmond County Judicial Center
RCO # 07 Final Review of Auger Cast Pile Costs**

Per Amendment B-2

52' Max. depth w/ total of **33,644 LF**

equals a cost of \$26.09/LF rounds to **\$26/LF**

Final Calculation of Total Length (per Graves Final Summary dated 4-7-09)

# piles	Ave. Depth	Total LF	Add'l LF	Add'l Cost
627	55.1	34,567	923	\$ 23,998



**Engineering Services Committee Meeting
6/8/2009 1:15 PM
Barbara Coping**

Department: Clerk of Commission

Caption: Consider a request by Ms. Barbara Coping regarding a waiver of the solid waste charges for the property at 1615 Cornell Drive.

Background:

Analysis:

Financial Impact:

Alternatives:

Recommendation:

**Funds are Available in
the Following
Accounts:**

REVIEWED AND APPROVED BY:

Clerk of Commission

AGENDA ITEM REQUEST FORM

Commission/Committee: (Please check one)

- ☐ Commission
- ☐ Public Services Committee
- ☐ Administrative Services Committee
- ☒ Engineering Services Committee
- ☐ Finance Committee
- ☐ Public Safety Committee

Contact Information for Individual/Presenter Making the Request:

Name: Barbara S. Copping
Address: 3114 Cloudcroft Dr Augusta, GA 30906
Telephone Number: 706-790-8791 or 706-564-6697
Fax Number: _____
E-Mail Address: _____

Caption/Topic of Discussion to be placed on the Agenda:

Solid waste charges. 1615 Cornell Dr.
Glen Dale Subd. House has been vacant
since 2004. House windows are boarded
up. Lights are on and has been since
Ms. Mae Lovett moved out. The GA. Power
Bill is under the serves of Barbara S. Copping

Please send this request form to the following address:

Ms. Lena J. Bonner	Telephone Number: 706-821-1820
Clerk of Commission	Fax Number: 706-821-1838
Room 806 Municipal Building	E-Mail Address: lbonner@augustaga.gov
530 Greene Street	
Augusta, GA 30911	

Requests may be faxed, e-mailed or delivered in person and must be received in the Clerk's Office no later than 5:00 p.m. on the Wednesday preceding the Commission or Committee meeting of the following week. A five-minute time limit will be allowed for presentations.

Commission meetings are held on the first and third Tuesdays of each month at 2:00 p.m. Committee meetings are held on the second and last Mondays of each month from 12:30 to 3:30 p.m.



**Engineering Services Committee Meeting
6/8/2009 1:15 PM
Modification to Job Description - Traffic Engineer Manager**

Department: Abie L. Ladson, PE, CPESC, Director of Engineering

Caption: Approve modification to the job description and education/experience requirements for the Traffic Engineer Manager position as requested by the Augusta Engineering Administration - Traffic Engineering Division.

Background: Based on the current job description for this position, a degree in Civil Engineering and an Engineer in Training (EIT) certificate is required. This item would essentially supplant this requirement to only require a 4-year degree. The above mentioned requirements are too limiting given the duties of this position and narrows the pool of available qualified candidates. Although, a four-year college degree should still be required for this position, it is believed that the county can draw from a larger pool of qualified candidates if the requirement for a Civil Engineering degree be removed, provided that the candidate possesses definite levels of experience as well as other certifications that demonstrate competence and expertise in the Traffic Engineering field. As an example the Institute of Transportation Engineers provide several certification programs that, taken collectively, are on-level and essentially equal to the level of expertise required to be a Professional Traffic Operations Engineer (PTOE) and should also be considered in the in lieu of an EIT.

Analysis: This change will open up the pool of candidates and insure that the city can obtain a qualified, experienced candidate to fulfill the duties of this position. It is also worth noting that this change will not affect the pay grade of the position and will not negatively impact the budget.

Financial Impact: n/a

Alternatives: 1) Approve modification to the job description and education/experience requirements for the Traffic Engineer Manager position as requested by the Augusta Engineering Administration - Traffic Engineering Division. 2) Do not approve

Recommendation: approve alternative one

Funds are Available in the Following Accounts: no funding required

REVIEWED AND APPROVED BY:

Finance.

Human Resources.

Law.

Administrator.

Clerk of Commission

PROPOSED JOB DESCRIPTION

PROPOSED JOB TITLE: Traffic Engineer/Manager

DEPARTMENT: Engineering

PROPOSED SALARY: \$70,874.55

PROPOSED PAY GRADE: 59

RESPONSIBILITY:

An individual in this position will report directly to the Assistant Director - Traffic Engineering and be responsible for activities such as signal timing, design, plan review, and operations for the Traffic Engineering section. This individual will also work closely with the Construction Manager, the Land Acquisition Manager, the Design & Plan Review Manager, and the Department Finance Manager. This individual will also work with construction contractors, design consultants, developers, surveyors, and other city departments.

MINIMUM QUALIFICATIONS:

Education/Certifications: An individual must have a 4-year college degree with six years of signal timing and design experience in Traffic Engineering and operations. Must possess either an Engineer-In-Training Certification (EIT) or Profession Engineer (PE) license or be certified as either a Professional Traffic Operations Engineer (PTOE). Certification as a Traffic Operation Practitioner Specialist (TOPS) and Traffic Signal Operations Specialist (TSOS) can be used as substitute for licensure requirements.

Experience: Must have considerable knowledge of principles and practices of signal timing, design, and construction. Must have working knowledge of the AASHTO manual, the Manual on Uniform Traffic Control Devices (MUTCD), and the Highway Capacity Manual (HCM). Must have working knowledge and experience in using AutoCAD 2004 and above, Microstation, ACTRA, and Smartways softwares. Proficiency in preparing signal timing plans, design, preliminary construction cost estimates, and engineering studies. Also must be able to manage and supervise and have excellent communication skills, both oral and written. Must be able to supervise and/or train designated subordinate department personnel. Possess a valid state operator/driver's license for the type vehicle or equipment operated.

MAJOR DUTIES:

Manage traffic engineering staff in the Engineering Department under direction from the Assistant Director - Traffic Engineering. Prepare traffic signal timing and design plans and traffic engineering studies, prepare construction cost estimates, review construction plans and specifications. Monitor projects during the planning and design stage and maintain status reports and design schedules. Able to resolve design and construction issues. Manage design consultants on large scale county projects. Hire, train, supervise and evaluate subordinate staff.

EXISTING JOB DESCRIPTION

PROPOSED JOB TITLE: Traffic Engineer/Manager

DEPARTMENT: Engineering

PROPOSED SALARY: \$70,874.55

PROPOSED PAY GRADE: 59

RESPONSIBILITY:

An individual in this position will report directly to the report directly to the Assistant Director of Traffic Engineering and be responsible for activities such as design, plan review, and operations for the Traffic Engineering section. This individual will also work closely with the Construction Manager, the Land Acquisition Manager, the Design & Plan Review Manager, and the Department Finance Manager. This individual will also work with construction contractors, design consultants, developers, surveyors, and other city departments.

MINIMUM QUALIFICATIONS:

Education/Certifications: An individual must have a BS Degree in Civil Engineering, Transportation Engineering or Civil Engineering Technology with six years of design experience in Traffic Engineering and operations. Must possess an Engineer-In-Training Certification (EIT) or (FE) in any state before appointment.

Experience: Must have considerable knowledge of principles and practices of survey, design, and construction. Must have a working knowledge of the AASHTO manual, the MUTCD manual, and the Highway Capacity Manual. Must have a working knowledge and experience in using AutoCAD 2004 and above, and Micro station software. Proficiency in preparing traffic and signal plans, preliminary construction cost estimates, and engineering studies. Also must be able to manage and supervise and have excellent communication skills, both oral and written. Must be able to supervise and/or train designated subordinate department personnel. Possess or have the ability to obtain a valid state operator/driver's license for the type vehicle or equipment operated.

MAJOR DUTIES:

Manage traffic engineering staff in the Engineering Department under direction from the Assistant Director of Traffic Engineering. Prepare traffic plans and traffic engineering studies, prepare construction cost estimates, review construction plans and specifications. Monitor projects during the planning and design stage and maintain status reports and design schedules. Able to resolve design and construction problems. Manage design consultants on large scale county projects. Hires, trains, supervise and evaluate subordinate staff.



**Engineering Services Committee Meeting
6/8/2009 1:15 PM
OPTION FOR RIGHT-OF-WAY**

Department: Law

Caption: Motion to approve an Option for the purposes of acquiring a Right-of-Way between George Victor Raley, Michael Dean Raley, and Sally Harper Raley, as owners, and Augusta, Georgia, as optionee, in connection with the Marvin Griffin Road Improvement Project, (1,735 sq. ft.) in fee and (248 sq. ft.) of permanent construction and maintenance easement from property located at: 1625 Marvin Griffin Road, private, at the purchase price of \$1,500.00. Also granted is one temporary construction easement.

Background: The property owners have agreed to convey a certain right-of-way and easement to Augusta, Georgia, for the Marvin Griffin Road Improvement Project.

Analysis: The purchase of the referenced property is necessary for the project.

Financial Impact: The costs necessary for this purchase will be covered under the project budget.

Alternatives: Deny the Motion

Recommendation: Approve the Motion

Funds are Available in the Following Accounts: 323041110-54.11120 2968236303-54.11120

REVIEWED AND APPROVED BY:

**Finance.
Law.
Administrator.
Clerk of Commission**

AUGUSTA, GEORGIA
OPTION FOR RIGHT-OF-WAY

GEORGIA, RICHMOND COUNTY

Received of Augusta, Georgia, the sum of one (\$1.00) dollar, the receipt whereof is hereby acknowledged, and in consideration of the benefits derived by me from the proposed project mentioned herein, I bind myself, my heirs, executors and assigns as follows:

If the said Augusta, Georgia, shall within 60 days after date hereof, pay me the sum of \$ 1,500.00, then the undersigned agrees to execute and deliver to Augusta, Georgia, fee simple title and easements to the land owned by the undersigned, which is shown reflected in color on the right-of-way map attached hereto and made a part hereof by reference, to be used for highway purposes on the MARVIN GRIFFIN ROAD IMPROVEMENT PROJECT, being Project Parcel 12, (Tax Map 134, Parcel(s) 001-01), consisting of 1,735 sq. ft. in fee, more or less, and 248 sq. ft. of permanent construction and maintenance easement, more or less, and 2,260 sq. ft. of temporary construction easement, more or less, on project MARVIN GRIFFIN ROAD IMPROVEMENT.

*****SPECIAL PROVISION*****

The said parcel of land as above indicated is shown upon plans on file in the office of Augusta Engineering, Augusta, Georgia, said plans being identified as the MARVIN GRIFFIN ROAD IMPROVEMENT PROJECT.

Witness my hand and seal this 14 day of May, 2009.

Signed, Sealed and Delivered
in the presence of:

Unofficial Witness

NOTARY PUBLIC

George Victor Raley (L.S.)

Michael Dean Raley (L.S.)

Sally Harper Raley (L.S.)

Accepted by:
AUGUSTA, GEORGIA

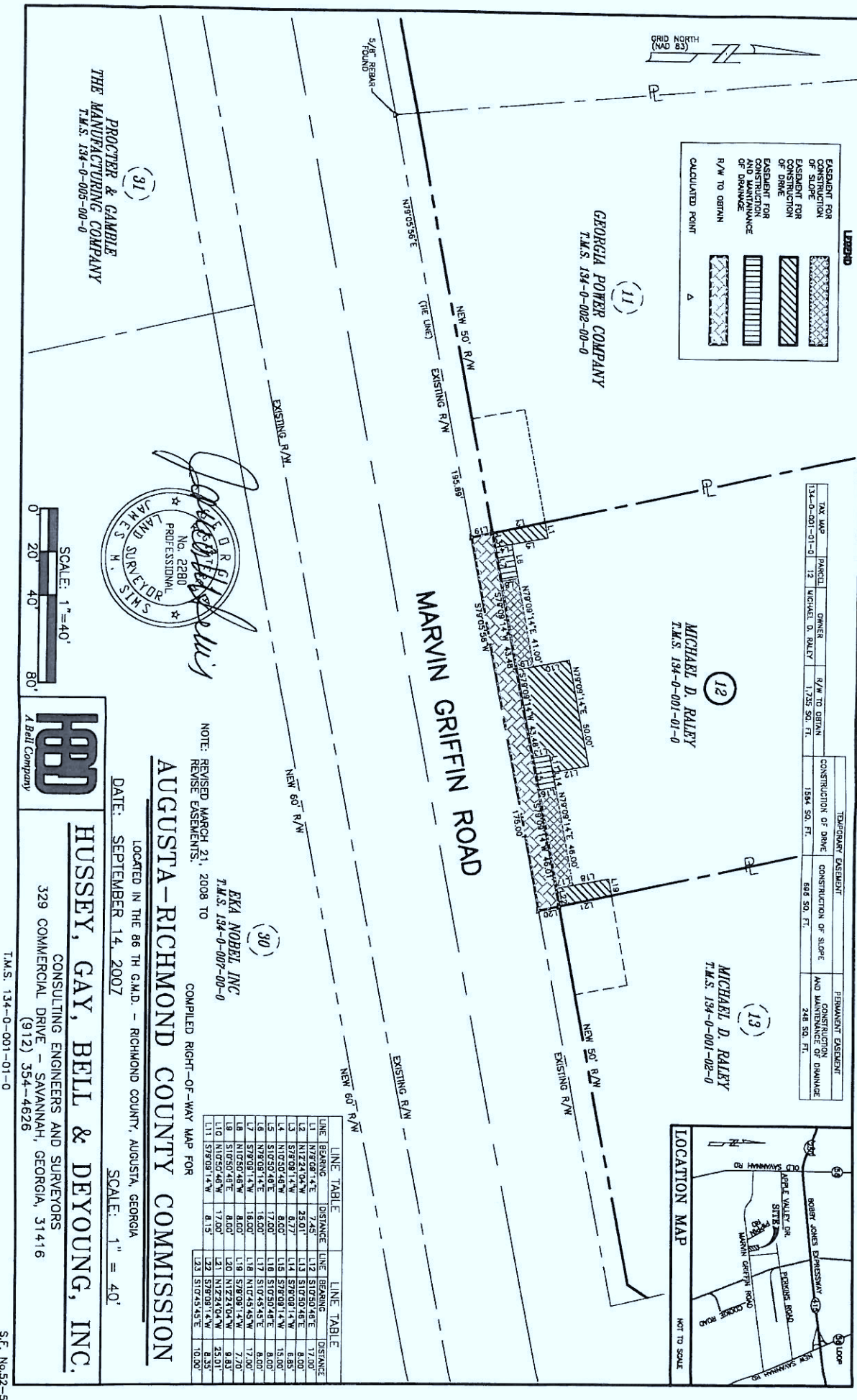
Administrator

DATE _____

Project Parcel 12
(Tax Map 134, Parcel No. 001-01.)

INITIALS _____

My Commission Expires
June 28 2011





**Engineering Services Committee Meeting
6/8/2009 1:15 PM
Residential Claim for Rent Supplement for Tenant, Ping Du**

Department: Law Department

Caption: Motion to approve a claim for Rent Supplement for Ping Du, as Tenant, in connection with the Alexander Drive Project at 2503 Carriage Creek. Approved by Engineering for \$38,850.00.

Background: The property owners have conveyed the property to Augusta, Georgia, for the Alexander Drive project.

Analysis: The purchase of the referenced property is necessary for the project.

Financial Impact: The costs necessary for this purchase will be covered under the project budget.

Alternatives: Deny the motion to approve the Rent Supplement.

Recommendation: Approve the motion for Rent Supplement for referenced property.

Funds are Available in the Following Accounts: 323041110 -5411120 296823215 -5411120

REVIEWED AND APPROVED BY:

**Finance.
Law.
Administrator.
Clerk of Commission**



**Engineering Services Committee Meeting
6/8/2009 1:15 PM
Tyco Easement Deed**

Department: Augusta Utilities Department

Caption: Motion to approve an Easement Deed from Tyco Healthcare Group L.P.

Background: In preparation for project 60107-Butler Creek Sanitary Sewer Replacement, the Augusta Utilities Department (AUD) is in the process of acquiring easements, one of which is from Tyco Healthcare Group.

Analysis: Tyco Healthcare Group has agreed to grant an easement to Augusta, for the project.

Financial Impact: Payment for the easement is the appraised value of \$13,838.00.

Alternatives: Deny motion to approve Easement Deed from Tyco Healthcare Group L.P.

Recommendation: Approve motion to approve Easement Deed from Tyco Healthcare Group L.P.

Funds are Available in the Following Accounts: G/L 511043420-5411120 J/L 80360107-5411120

REVIEWED AND APPROVED BY:

**Finance.
Procurement.
Law.
Administrator.
Clerk of Commission**

AUGUSTA, GEORGIA
EASEMENT

PROJECT: 60107 – Butler Creek Sanitary Sewer Replacement - East
Augusta Utilities Department

PARCEL IDENTIFICATION NUMBER: 135-0-004-02-0 ADDRESS: 1430 Marvin Griffin Road

THIS INDENTURE (this “Indenture”) is made and entered into this 14th day of May 2009 (“Effective Date”) between Tyco Healthcare Group LP, a Delaware limited partnership (hereinafter referred to as “Owner”), and Augusta, Georgia, a political subdivision under the laws of Georgia (hereinafter referred to as “Augusta”);

WHEREAS, Owner owns real property located at 1430 Marvin Griffin Road, Augusta, Georgia, and having a Parcel Identification Number of 135-0-004-02-0 (the “Property”).

WHEREAS, Augusta is proposing a sanitary sewer replacement project (the “Project”) that would affect a portion of the Property, and in connection therewith, Augusta wishes to obtain certain underground easement rights and obligations affecting a portion of the Property.

WHEREAS, upon the terms and conditions set forth in this Indenture, Owner is willing to grant Augusta an easement affecting a portion of the Property.

NOW THEREFORE, for and in consideration of the mutual promises of the parties contained in this Indenture, the receipt whereof is hereby acknowledged, and in consideration of the benefits derived by said Owner from the proposed Project mentioned herein, the parties agree to be bound, and to bind their representatives, successors, assigns and heirs as follows:

Commencing on the Effective Date and conditioned upon ^{Attachment number 1} ~~Owner's~~ ^{Page 1 of 7} receipt of the Payment (hereinafter defined), Owner hereby grants to Augusta a non-exclusive, perpetual easement for laying, installing, operating, repairing, and maintaining underground pipelines transporting and carrying sewage and providing sanitary sewer services under the surface of the Easement Area (hereinafter defined) upon the terms and conditions set forth in this Indenture (“Utility Easement”), which Utility Easement consists of 53,377 square feet of space and the location of which is more particularly shown on a plat prepared by W. R. Toole Engineers, Inc., dated August 22, 2007, attached hereto as Exhibit A and made a part hereof (the “Plat”). The location of the Utility Easement is referred to herein as the “Easement Area.”

Simultaneously with the execution of this Indenture, Augusta shall pay to Owner the sum of \$13,838.00 (the “Payment”).

Owner also hereby grants and conveys to Augusta a non-exclusive, temporary construction easement (the “Temporary Construction Easement”) on the portion of the Property that consists of 40,651 square feet of space and the location of which is more particularly shown on the Plat for the purpose of installation and construction of the Utility Easement. The parties agree that the Temporary Construction Easement shall expire upon the earlier of (i) completion of the initial construction of the improvements, the completion of the testing on the pipeline and notice from Augusta to Owner that Augusta has accepted such testing, or (ii) the date that is thirty (30) days from completion of the construction of the improvements, or (iii) 540 days after the Effective Date unless Augusta has commenced construction of the improvements in the Easement Area, or (iv) sixty (60) days after Work Cessation (hereinafter defined). As used herein, “Work Cessation” means Augusta stopped continuously and diligently pursuing the completion of the Project after commencing the construction of the improvements within the Easement Area. If the Temporary Construction Easement expires under (iii) set forth above in this paragraph, then Owner agrees upon request by Augusta to grant a new temporary construction easement to Augusta for the purpose of installation and construction of the Utility Easement, which new temporary construction easement will be on the same terms and conditions of the temporary construction easement set forth in this Indenture except (1) the Payment will not be required (as long as it was paid to Owner simultaneously with Augusta’s execution of this Indenture), and (2) the temporary construction easement may be relocated at Owner’s request to a location reasonably agreed upon by Owner and Augusta. Upon expiration of the Temporary

Construction Easement, Augusta shall record a notice documenting that the Temporary Construction Easement has expired.

Notwithstanding anything herein to the contrary, the easement rights granted in this Indenture are also subject to the following: (a) all improvements installed by Augusta shall be underground, and Augusta shall have no right to use the Property for storage of equipment or materials, except during initial construction and testing of the pipeline and its acceptance by Augusta; and Augusta shall have the right to install above-ground manholes and other appurtenances as needed for the pipeline reasonably approved by Owner; (b) Owner shall retain all rights for itself and third parties to use the Easement Area (other than the facilities installed by Augusta) for all purposes that Owner deems appropriate, including without limitation the right to pave over the Easement Area and use the Easement Area for roadways, sidewalks, parking areas or the like, excepting that (1) no permanent structures, such as, but not limited to, buildings, shall be built within the easement except as shown on the Plat, (2) no trees, or shrubs with invading roots shall be planted, and (3) no digging shall take place within the permanent easement boundaries without prior notice to Augusta; and in the event of any damage to Augusta's underground pipelines and related appurtenances (approved by Augusta) resulting from any negligent or willful misconduct of Owner or its agents, Owner shall pay for the actual and reasonable cost of any repairs necessary to restore such pipelines and related appurtenances to the same condition prior to such damage; (c) the Utility Easement and Temporary Construction Easement are granted on the condition that, excepting emergencies, in no event shall Augusta interfere with continuous ingress and egress to the Property; (d) Augusta shall cause all construction in the Easement Area to be completed promptly and in a good and workmanlike manner; (e) Augusta will give Owner at least 24-hours notice before entering the Property; and (f) the Utility Easement and Temporary Construction Easement are granted by Owner and accepted by Augusta with the understanding and on the condition that whenever Augusta makes any excavations in the Property, Augusta shall restore the ground or any portion of the Property affected by such installations (except for items that are expressly disallowed in section (b) of this paragraph, in which case these items will not be replaced or restored) to substantially the same condition as existed before such work, shall restore all concrete or asphalt damaged by such work, shall replace all trees, shrubbery or other landscaping, and sod all areas of grass that are disturbed by such work at Augusta's cost.

To the extent allowed by law, Augusta hereby waives any and all governmental or sovereign immunity relative to any act covered hereby. This Indenture shall be governed by, construed, and enforced in accordance with the laws of the State of Georgia.

Any notice to be given hereunder shall be in writing and shall be delivered to the parties as follows: If to Augusta to: Director, Utilities Department, 360 Bay Street, Suite 180, Augusta, Georgia 30901; If to Owner to: G. Brittain Irwin, Plant Manager, Covidien, 1430 Marvin Griffin Road, Augusta, GA 30906. Any notice required or permitted hereunder shall be deemed to have been received either (a) when delivered by hand and the party giving such notice has received a signed receipt thereof, or (b) one (1) business day following the date deposited with Federal Express or other recognized overnight courier, or (c) upon computer-generated confirmation of successful transmission when sent by telecopy machine, provided that a copy is also forwarded by Federal Express or United States mail, or (d) on the second business day following the date deposited in the United States mail, postage prepaid, by registered or certified mail, return receipt requested.

The recitals set forth above are incorporated in this Indenture as if fully set forth herein.

If any clause, provision, subparagraph, or paragraph set forth in this Indenture is illegal, invalid, or unenforceable under present or future applicable laws, then it is the intention of Owner and Augusta that the remainder of this Indenture shall not be affected thereby. In such event, the parties shall use commercially reasonable efforts to replace the invalid or unenforceable provision with a provision that, to the extent permitted by applicable law, achieves the purposes intended under the invalid or unenforceable provision.

IN WITNESS WHEREOF, Owner and Augusta have set their hand the day and year first above written.

Signed and Delivered in the presence of: **TYCO HEALTHCARE GROUP LP**

Cathy Henderson
Witness

By: [Signature]

Joanna Gentile
Notary Public

As Its: Plant Manager

My Commission Expires:
June 25, 2010

Attest: [Signature]

As Its: Plant Engineering Manager

Signed, Sealed and Delivered in the presence of: **AUGUSTA, GEORGIA**

Witness

By: _____

Attachment number 1
Page 3 of 7

Notary Public

As Its: _____

My Commission Expires:

Attest: _____

As Its: _____

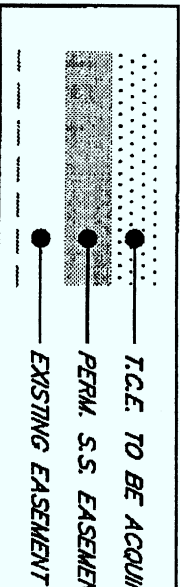
Exhibit A

Plat

(Location of Easement Area and Temporary Construction Easement)

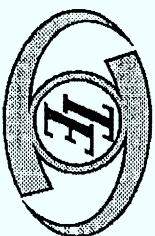
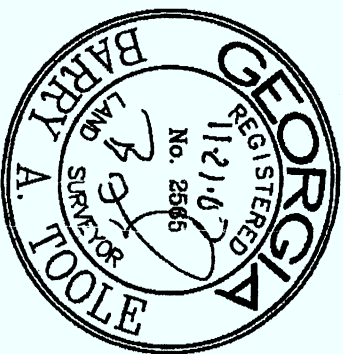
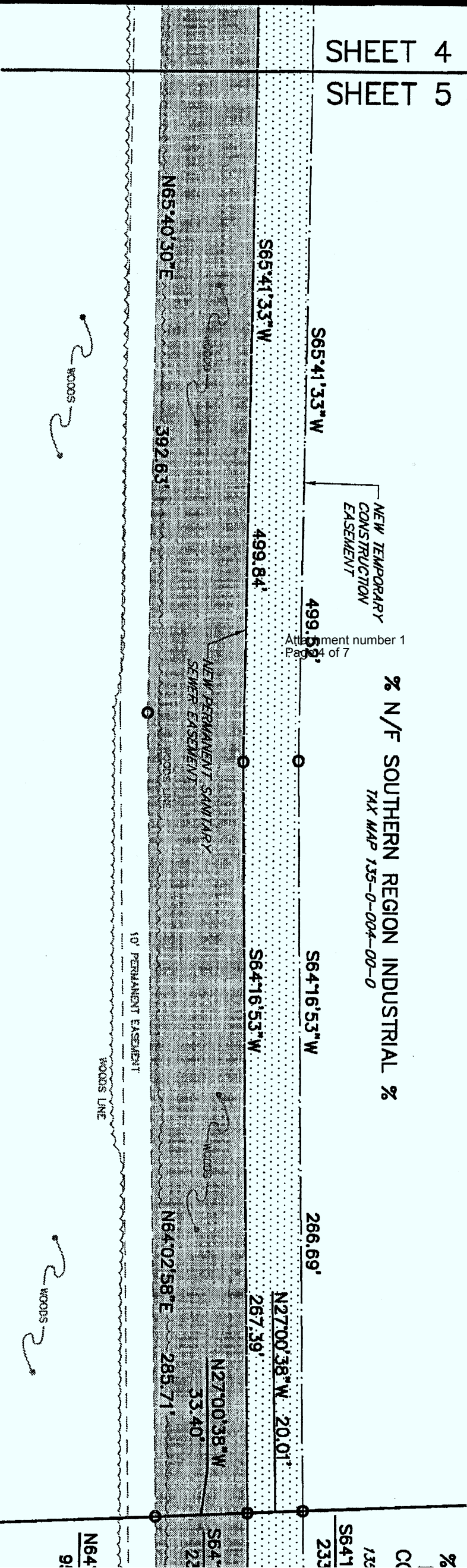
PROPERTIES INFORMATION:

OWNER	TAX MAP	PARCEL	T.C.E. TO BE ACQUIRED	PERM. S.S. EASEMENT TO BE ACQUIRED
SOUTHERN REGION INDUSTRIAL	135	4	55,710 SQ. FT., 1.28 ACRES	66,915 SQ. FT., 1.54 ACRES
THE KENDALL COMPANY	135	4-2	40651 SQ. FT., 0.93 ACRES	53,377 SQ. FT., 1.23 ACRES

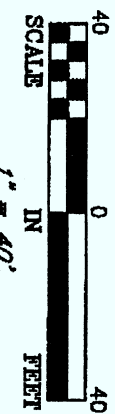


NOTE: THIS EASEMENT MAP MAY NOT BE USED FOR EASEMENTS THAT ENCUMBER

SHEET 4
SHEET 5



W R Toole Engineering
349 Greene St. • Augusta, Ga. 30901 • 706.722.4111
Engineers • Consultants • Planners



- COMPILED EASEMENT MAP FOR -
AUGUSTA-RICHMOND COUNTY COMMISSION
SHOWING PROPERTY LOCATED IN 85th G.M.D., IN AUGUSTA, RICHMOND COUNTY, GEORGIA

- PREPARED BY -

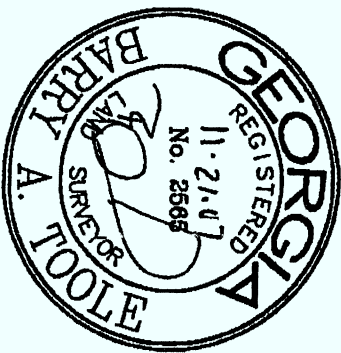
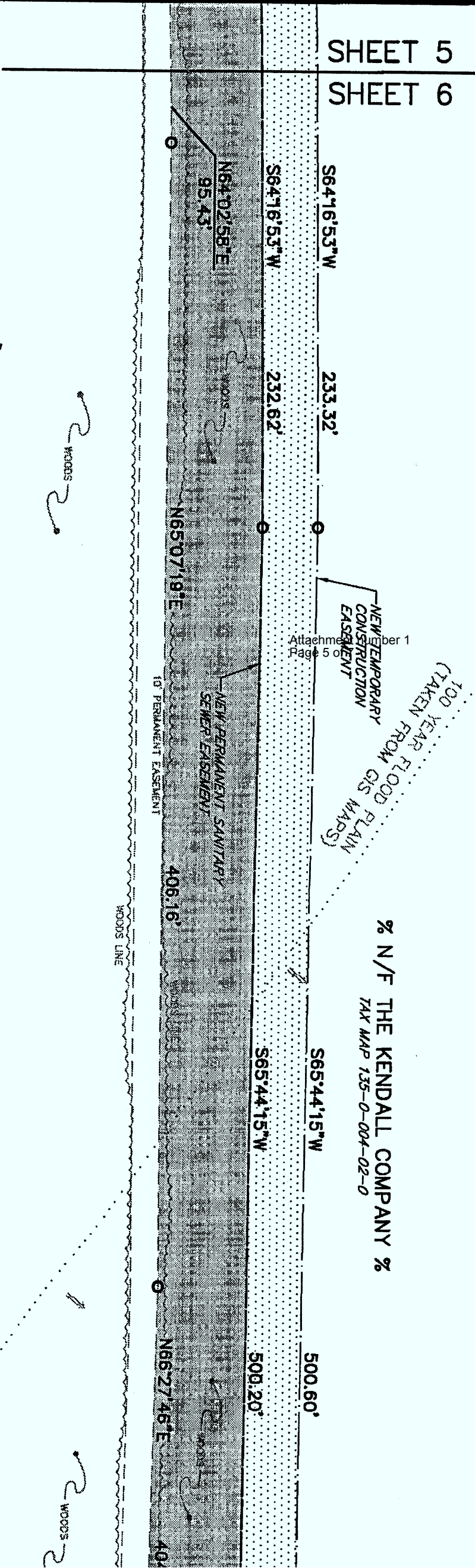
PROPERTIES INFORMATION:

OWNER	TAX MAP	PARCEL	T.C.E. TO BE ACQUIRED	PERM. S.S. EASEMENT TO BE ACQUIRED
THE KENDALL COMPANY	135	4-2	40651 SQ. FT., 0.93 ACRES	53,377 SQ. FT., 1.23 ACRES

	T.C.E. TO BE ACQUIRED
	PERM. S.S. EASEMENT
	EXISTING EASEMENT

NOTE: THIS EASEMENT MAP MAY MAY NOT
EASEMENTS THAT ENCUMBER

SHEET 5
SHEET 6

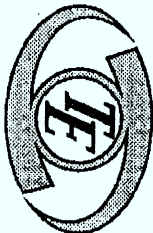


- PREPARED BY -

AUGUST

SHOWING PROPERTY LOCATED IN 85th G.M.D., IN AUGUSTA, RICHMOND COUNTY, GEORGIA

- COMPILED EASEMENT MAP FOR -
AUGUSTA-RICHMOND
COUNTY COMMISSION

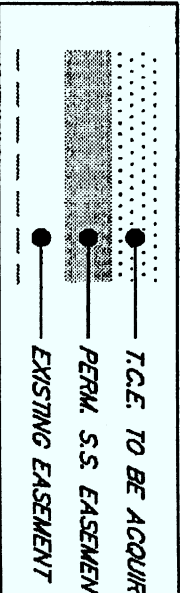


W R Toole Engineering

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PROPERTIES INFORMATION:

OWNER	TAX MAP	PARCEL	T.C.E. TO BE ACQUIRED	PERM. S.S. EASEMENT TO BE ACQUIRED
THE KENDALL COMPANY	135	4-2	40651 SQ. FT., 0.93 ACRES	53,377 SQ. FT., 1.23 ACRES



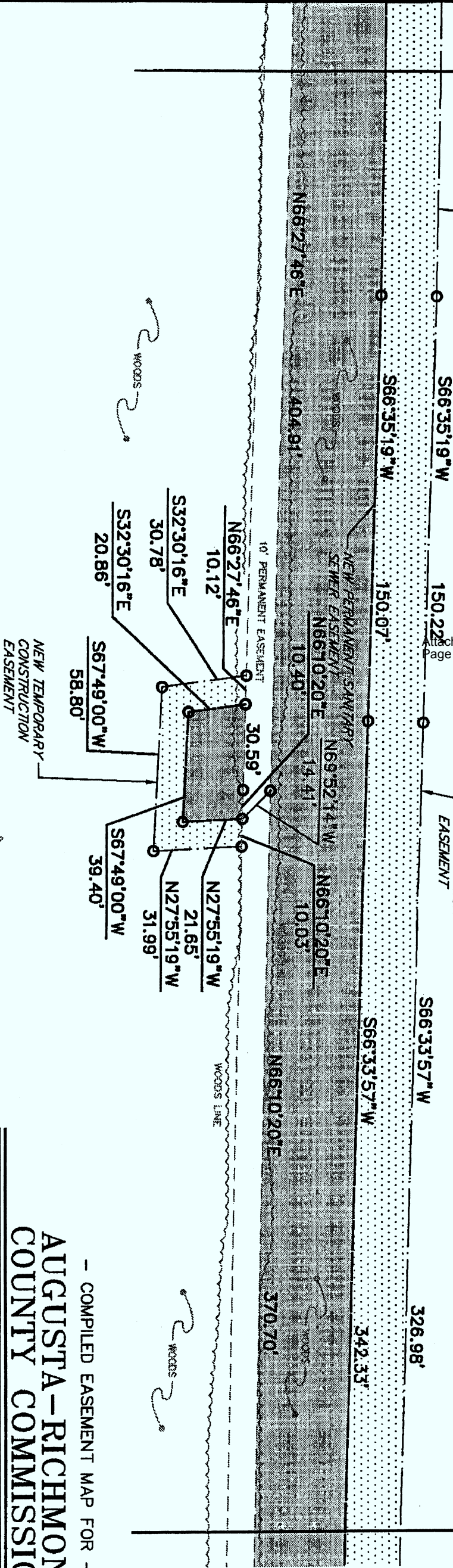
NOTE: THIS EASEMENT MAP MAY NOT
EASEMENTS THAT ENCUMBER

SHEET 6
SHEET 7

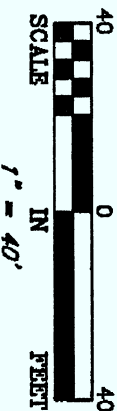
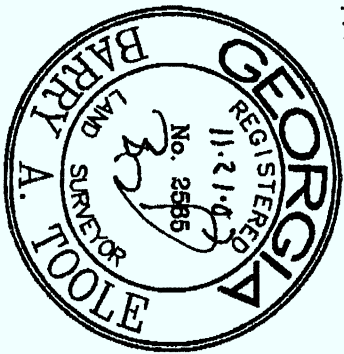
SHEET 7
SHEET 8

% N/F THE KENDALL COMPANY %
TAX MAP 135-0-004-02-0

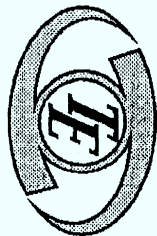
Attachment number 1
Page 6 of 7



100 YEAR FLOOD PLAIN
(TAKEN FROM GIS MAPS)



PREPARED BY -



W R Toole Engin

349 Greene St. • Augusta, Ga. 30901 • 706.722.41
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<i>OWNER</i>	<i>TAX MAP</i>	<i>PARCEL</i>	<i>T.C.E. TO BE ACQUIRED</i>	<i>PERM. S.S. EASEMENT TO BE ACQUIRED</i>
<i>THE KENDALL COMPANY</i>	135	4-2	40651 SQ. FT., 0.93 ACRES	53,377 SQ. FT., 1.23 ACRES
<i>LAUREAL HILL PAPER COMPANY</i>	135	4-1	23,500 SQ. FT., 0.54 ACRES	24,485 SQ. FT., 0.56 ACRES

T.C.E. TO BE ACQUIRED

PERM. S.S. EASEMENT

EXISTING EASEMENT

DRAINAGE

SEWER

[illegible]