

Bond Case Briefs

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EASEMENTS - GEORGIA

Fulton County v. City of Sandy Springs

Supreme Court of Georgia - March 28, 2014 - S.E.2d - 2014 WL 1266247

City and two individual homeowners brought action against county, county board of commissioners, and county director of public works, asserting that county retained ownership of and responsibility for two drainage retention ponds and a dam located within the city, and seeking declaratory judgment, mandamus, and injunctive relief. The Fulton County Superior Court entered judgment in favor of city. County appealed.

The Supreme Court of Georgia held that:

- County that was granted easement to construct, maintain, and use dam and detention pond was responsible for maintaining the easements as long as it held them;
- Constitutional provision stating that a county may not provide storm water and sewage collections and disposal systems inside the boundaries of another municipality except by contract with the affected municipality did not prohibit county from maintaining easements;
- Easements granted on portion of unincorporated county property did not automatically terminate when city was subsequently created in that location; and
- County's responsibility to maintain easements would continue only until easements were legally transferred, terminated, or prospectively abandoned.