



Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060

STAFF REVIEW

Variance Case #: V2026-04

Legistar #: 20260036

City Council Hearing: Wednesday, February 11, 2026 – 7:00 pm

Property Owner: [REDACTED]

[REDACTED]

Applicant: [REDACTED]

[REDACTED]

Agent: N/A

Address: 1155 Powers Ferry Place

Land Lot: 787, 788, 798 **District:** 17 **Parcel:** 0110

Council Ward: 7A **Existing Zoning:** CRC (Community Retail Commercial)

Special Exception / Special Use / Variance(s) Requested:

1. Variance for a digital billboard to be placed within 500 feet of a residential zoning district.
[§714.04 (G.13.b.4.ii.)]

Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, City Council may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the City Council determines that, by such alteration or modification, unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the City Council shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

Criteria:

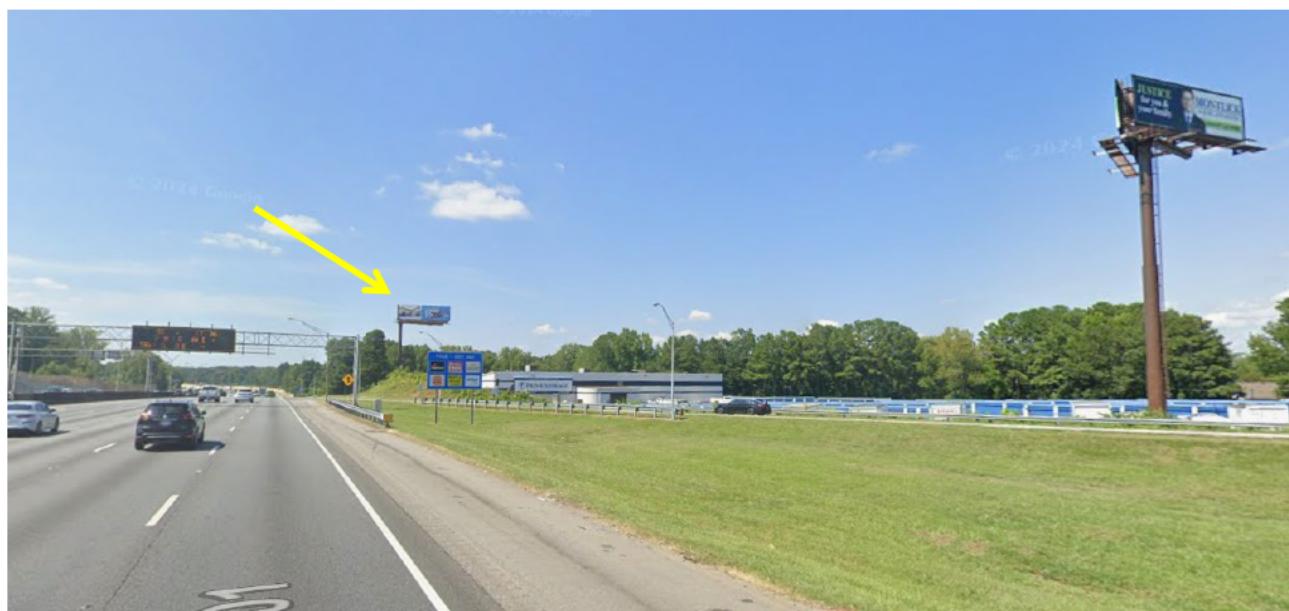
1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.
2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

PICTURES



The subject billboard is located within 500 feet of a residential development.

PICTURES



Top – View of subject billboard (indicated by yellow arrow) traveling south on I-75.
Bottom - View of subject billboard (indicated by yellow arrow) traveling north on I-75.



Staff Review:

[REDACTED] is requesting variances to convert two (2) faces of an existing static billboard located along I-75 at 1155 Powers Ferry Place to a dual-faced digital display. The billboard shares a lot, zoned CRC (Community Retail Commercial), with a self-storage facility. The property is located adjacent to an apartment complex, Elme Marietta, within 245 feet of the billboard structure.

Digital billboards have been determined by Mayor and Council to be a particular concern worthy of increased regulation, having been deemed “distracting” and “confusing” in the zoning code. As such, a supplemental set of regulations [§714.04 (G.13.-15.)] was created to only allow the installation of digital billboards as part of a “trade-off,” whereby the removal of four (4) existing billboard panels could “earn” a billboard company the right to install one (1) digital panel.

The following regulations pertain to the “swap”:

- An existing billboard panel may be replaced with a digital panel if no less than four (4) existing billboard panels are removed in their entirety.
- An existing panel that is to be retrofitted with a digital panel cannot count as a “removed panel.”
- Existing billboards to be counted toward the exchange are to be completely removed, including the structure, down to the foundation of each sign face.
- The sum of the existing billboard panels removed must be equal to or greater than 2,400 square feet.
- Billboards removed as part of as part of another government agreement, such as a right-of-way condemnation or zoning condition, cannot count toward the removal threshold for the exchange program unless otherwise approved by City Council.
- The exchange program is only applicable to billboard structures lawfully in existence on (or from) December 11, 2013.

Requirements of a *new digital billboard* include:

- The electronic sign face of the new billboard is limited to 672 square feet.
- The digital billboard can be no more than 70 feet in height, measured from the established road grade at the nearest point of the interstate.
- The digital billboard cannot be located within 500 feet of residentially zoned property.
- No digital billboard shall be located within 5,000 feet of another digital billboard on the same side of the road.
- A building permit for the digital billboard can be issued only after all sign structures required for the swap are removed.

The resulting “retrofitted” digital billboard would thereafter be considered a “legally non-conforming sign,” as long as it is not moved or increased in height or size (although structural improvements to accommodate the new digital faces are permitted).



Proposal

The applicant submitted a list of billboards (via email to Staff), which have previously been removed for other purposes, to be considered for the exchange program. Zoning code does not directly address if the historic accrual of removed billboard panels can “count” toward an eventual swap for a digital face. A degree of interpretation is therefore needed to assess the validity of [REDACTED] request to count billboards “retroactively” that have been removed over the course of years. An indication of the intention of the code may be found in the wording of §714.04 (G.13.b.1.):

An existing billboard panel may be replaced with a digital panel if no less than four (4) existing billboard panels are removed in their entirety. *(emphasis added)*

Due to this language and the overarching desire of City Council to significantly reduce the net total number of billboards in the city, Staff believes that regulations were meant to require the contemporaneous removal of static billboard panels in exchange for a digital panel (i.e. four [4] panels come down from “active” billboards at the same time as a digital panel going up).

Should City Council wish to entertain [REDACTED] proposal to count past billboard removals toward a digital panel installation, however, the table below assesses characteristics of the old billboards vis-à-vis sign ordinance regulations to determine their eligibility. Removal dates listed are estimates based on historic aerial photographs; no demo permits were issued for the removal of the billboards. Historic photographs also show that all were installed prior to 2013, and their removals appear to have been “complete.”

Static Billboard Panels Previously Removed by [REDACTED]		Proposed for Exchange		
<i>Location</i>	<i>Date Removed</i>	<i># Panels Removed</i>	<i>Total SF</i>	<i>Removed as part of government agreement?</i>
41 Cobb Pkwy SE (now 31 Cobb Pkwy S)	Nov 2024 (demo'd for new QT)	2 panels	1,344 sf	No
880 Cobb Pkwy SE	2022-23 (demo'd as variance condition for car lot)	2 panels	1,344 sf	Yes
1250 S Marietta Pkwy SE	2023-24 (demo'd by KSU/ former Budget Car Rental)	2 panels	1,344 sf	No
<i>Total potentially eligible for digital billboard panel exchange</i>		<i>4 panels</i>	<i>2,688 sf</i>	

The “greyed out” line in the table indicates that the billboard at 880 Cobb Parkway cannot count towards existing panel removal, as its demolition was a condition of a variance granted in 2015



(V2015-03), unless overridden by Council. In that variance case, the property owner requested that a car dealership be permitted to develop while leaving an existing billboard on the same lot. Permission was given for the dealership and billboard to coexist, but it was agreed that the property owner would remove the billboard 12 months after the issuance of building permits, or by December 31, 2016 (whichever occurred first). As the demo date listed in the chart indicates, it wasn't until 2022/23 that it actually came down. Still, its removal was part of a "government agreement," which eliminates it from eligibility in the exchange program.

The other two (2) billboards which have been removed at 41 Cobb Pkwy SE and 1250 S Marietta Parkway would be able to be counted (if Council decides past panel removal for other purposes can count toward a swap). This would result in a total of four (4) panels / 2,688 square feet of signage removed and eligible to count towards the exchange.

Code states that "an existing billboard panel may be replaced with a digital panel if no less than four (4) existing billboard panels are removed in their entirety" [§714.04 (G.13.b.1.), *emphasis added*]. The square footage of the removals listed only qualifies for one (1) digital billboard panel at the subject property; eight (8) panels (totaling at least 4,800 square feet) would need to be removed to justify the dual-sided digital billboard being requested.

The applicant proposed another possible billboard to remove in anticipation of achieving the requisite eight (8) panels for the "swap," located at 1280 Canton Road. Because the billboard at 880 Cobb Parkway SE does not "count," however, another billboard in addition to the one on Canton Road will need to be identified (and removed) to enable both digital panels to be erected as desired by the applicant.

Variances Required

Only one (1) variance would be required if Council wishes to condone the installation of a singular digital billboard face (based on the exchange of four (4) static panels removed as part of other projects):

1. Variance for a billboard to be placed within 500 feet of a residential zoning district.
[§714.04 (G.13.b.4.ii.)]

The second digital billboard panel desired by the applicant would necessitate the removal of four (4) additional billboard panels (and their support structures), or a waiver granted by City Council. Such decision would be weighed against the stated aim of significantly reducing the number of billboards in the city.

The proposal otherwise complies with requirements for a new digital billboard panel to be erected as listed in §714.04 (G.13.): A survey supplied with the application shows other digital billboards on the same side of the interstate are located more than 5,000-feet from the subject billboard, and plans show the size of the new billboard face is proposed to measure 672 square feet (the maximum allowed). In addition, the billboard structure would meet height criteria, proposed to be decreased from its current 74 feet to 65 feet tall at the base (equivalent to 70 feet tall measured from the established road grade at the nearest point of the interstate, as code requires). As mentioned above,



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205 Lawrence Street
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any other existing non-conformities of the billboard (such as not being located on its own lot and its location within 1,000 feet of another billboard) are still considered “grandfathered” if participating in the exchange program.

It is assumed that all other technical regulations relating to billboards, such as those dealing with panel brightness and copy area limitations, will be followed, as none of these concerns were flagged by the applicant.

Building Inspections:

- Building and related permits will be required for this conversion by a properly licensed contractor.

Engineering:

- No comments.

Fire Department:

- No objections.



APPLICATION FOR VARIANCE OR APPEAL

(Owner/Applicant/or Representative must be present at all public hearings)

(NOTE: CORRESPONDENCE IS HANDLED VIA EMAIL UNLESS OTHERWISE REQUESTED)

For Office Use Only:

Application #: V2026-04 Legistar #: 20260036 BZA Hearing Dt: N/A
City Council Hearing Dt (if applicable) #: February 11, 2026 PZ #: 25-088

This is a variance/appeal application for:

Board of Zoning Appeals

City Council

Owner's Name _____

Documentation showing names of Principals authorized to sign application is **required for Corporations**.

Applicant name and contact information available upon request. Redacted to reduce fraudulent collection attempts.

EMAIL Address: _____

Mailing Address _____ Zip Code: 30092 Phone Number _____

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: _____

EMAIL Address: _____

Mailing Address _____ Zip Code: 44333 Phone Number _____

Address of subject property: 1155 Powers Ferry PI, Marietta, GA 30067 Date of Acquisition: 10/17/2018
787, 788,

Land Lot (s) 798 District 17th Parcel 17078700110 Acreage 10.73 Zoned CRC Ward 7A FLU: RAC

List the variance(s) or appeal requested (please attach any additional information):

Variance for setback from Residential Districts (see attached request letter)

Required Information

1. Application fee (Residential - \$250; Non-residential - \$350)
2. Completed notarized application. **The original application must be submitted with ALL original signature(s) – Copies of the application or signature(s) will NOT be accepted.**
3. Copy of the deed that reflects the current owner(s) of the property. Documentation showing names of Principals authorized to sign application is **required for Corporations**.
4. Letter describing the reason for the variance request, stating why strict adherence to the code would result in a particular hardship (as distinguished from a mere inconvenience or desire to make more money).
5. **Site plan – drawn to scale.** Site plans must illustrate property lines and all relevant existing information and conditions in addition to proposed additions or modifications within the referenced property lines of the tract(s).
Copies Required: One (8 1/2" x 11") -or- One (11" x 17") drawn to scale.
Optional Additional Plat size: (24"x 36"). If providing (24"x 36") then 5 copies REQUIRED of the plat size pages.
6. Copy of current tax bill showing payment or documentation certified by the City of Marietta Tax Office.

Note: The Department of Development Services reserves the right to obtain additional information that reasonably may be required in order that an informed decision may be made.

OVER

Variance Request – Digital Conversion of Existing Billboard on I-75

To Whom It May Concern:

Lamar Advertising respectfully requests a variance to allow the conversion of the existing static billboard located at 1155 Powers Ferry Place along Interstate 75 to a dual-faced digital display. In accordance with Section 714.04 (G)(13) of the City of Marietta Sign Ordinance, Lamar has already permanently removed three (3) billboard structures totaling six (6) sign faces and is committed to removing one (1) additional structure, bringing the total to four (4) structures and eight (8) sign faces removed. This satisfies the billboard removal requirements associated with the digital conversion allowance.

The proposed conversion site meets all applicable requirements with the exception of (i) the 500-foot spacing from a residential zoning district and (ii) the current height above road grade. The adjacent residential zoning is located approximately 200 feet away; however, the existing billboard is fully screened from the residential development by a large storage warehouse building, established vegetation, and natural grade separation. These existing physical site conditions prevent direct visibility and materially eliminate potential light, aesthetic, or visual impact to the residential property.

To further ensure minimal neighborhood impact, Lamar is willing to install Daktronics LightDirect digital display technology. This system utilizes precisely engineered louvers to limit off-axis light spill and ensures that illumination is directed only toward the intended roadway viewing zone. As Daktronics states, “The light from the billboard is alleviated the moment the viewer leaves the specified display area,” providing a residential-friendly lighting solution without affecting on-highway readability.

Additionally, upon approval of this request, Lamar will reduce the height of the billboard to comply with the maximum 70-foot height requirement. This reduction will further decrease regional visibility and strengthen compatibility with surrounding development.

Hardship Justification

Strict adherence to the 500-foot spacing requirement in this instance would produce no additional public benefit, as the purpose of the spacing standard, protecting residential areas from visual and lighting impacts, is already achieved through existing permanent site conditions and enhanced lighting controls. The hardship is based on unique, existing physical characteristics of the site, not economic preference, and is not self-created.

Lamar has already committed substantial investment to permanently reduce billboard inventory within the City, directly supporting the City’s policy objective of lowering sign density. Preventing

modernization at this final eligible location would result in a disproportionate outcome where inventory is removed but no public benefit is realized through the improved display.

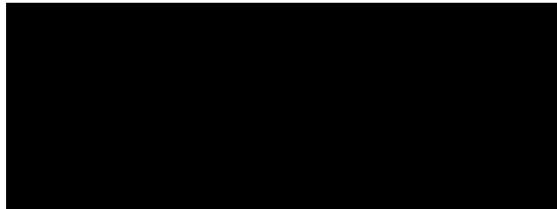
Public and Community Benefit

This variance will result in:

- Permanent removal of four (4) billboard structures citywide
- Reduced visual clutter and improved corridor aesthetics
- Lower overall sign height than exists today
- Advanced light-control technology eliminating spill toward residential areas
- A safer and more structurally modernized installation

For these reasons, we respectfully request approval of this variance to allow the digital conversion of this existing structure consistent with the intent and purpose of the City's sign ordinance.

Sincerely,



Little, Shelby

From: [REDACTED]
Sent: Monday, December 29, 2025 12:00 PM
To: Little, Shelby; Ciccone, Sarah
Subject: RE: LAMAR -- Proposed Removal of Existing Billboard & Replace with a Digital Billboard -- 1155 Powers Ferry PL (Parcel 17078700110)
Attachments: We sent you safe versions of your files

Mimecast Attachment Protection was unable to create safe copies of your attachments.



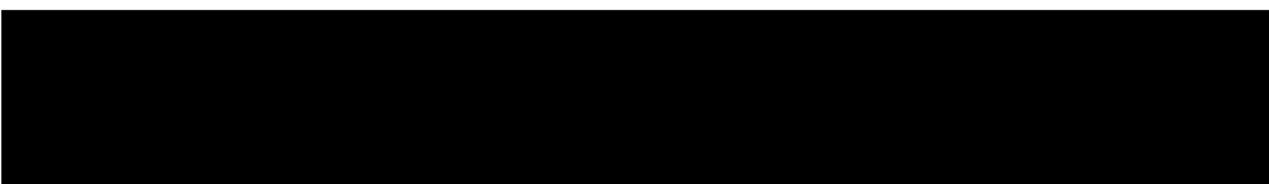
Shelby,

Please see the below and the attached. Unfortunately, we do not have records that the demo permits were ever obtained for the 3 structures that have already been removed.

	Demo Permit Number	Address (Street Name and Number)	# Panels Removed	Area To Be Removed	Pictures w/ Dimension
Location #1	N/A	41 Cobb Pkwy SE	2	1,344	Attached
Location #2	N/A	880 Cobb Pkwy SE	2	1,344	Attached
Location #3	N/A	1250 S Marietta Pkwy SE	2	1,344	Attached
Location #4	TBD	1280 Canton Rd (to be removed)	2	1,344	Attached

Let me know if there is anything else you need from me prior to the meeting. If I don't talk to you before then, have a safe and happy new year.

Thank you,



Celebrating 18 years as one of FORTUNE's 100 Best Companies to Work For

From: Little, Shelby <SLittle@mariettaga.gov>
Sent: Tuesday, December 23, 2025 6:12 AM
To: [REDACTED] Ciccone, Sarah <sciccone@mariettaga.gov>
Subject: RE: LAMAR -- Proposed Removal of Existing Billboard & Replace with a Digital Billboard -- 1155 Powers Ferry PL (Parcel 17078700110)

Thanks [REDACTED]. I never heard back from our attorneys so we'll just move forward unless we hear otherwise from them. We've received the application and have it tentatively scheduled for a public hearing before City Council on

PROJECT SITE NAME: MARIETTA, GA BILLBOARD
 SITE ADDRESS: 1155 POWERS FERRY PL
 MARIETTA, GA 30067
 SITE COORDINATES: 33.926238°, -84.486680°
 PROJECT TYPE: EXISTING BILLBOARD
 UPGRADE TO DIGITALS

SHEET INDEX		Page
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T-2	GENERAL NOTES	2
	SURVEY (FOR REFERENCE)	3
C-1	SITE PLAN	4
C-2	POLE ELEVATIONS	5

REVISIONS	DATE
1	01/25/26
REvised FOR PERMIT	12/17/25
0	11/17/25
FOR PERMIT	FOR REVIEW

RECEIVED
 1-27-2026



Kimley-Horn

KIMLEY-HORN & ASSOCIATES, INC.
 3875 EMBASSY PKWY, SUITE 280
 AKRON, OH 44333

PROJECT TEAM		PROJECT SUMMARY		PROJECT LOCATION MAP		
CIVIL Company: KIMLEY-HORN Address: 3875 EMBASSY PKWY, SUITE 280 AKRON, OH 44333 Contact: KEVIN CLEMENTS Phone: 216.505.7771 Email: KEVIN.CLEMENTS@KIMLEY-HORN.COM	APPLICANT INFO Company: THE LAMAR COMPANIES Address: 6597 PEACHTREE INDUSTRIAL BLVD PEACHTREE CORNERS, GA 30092 Contact: NICK BROWN Phone: 770.447.8610 Email: NBROWN@LAMAR.COM	JURISDICTION: CITY OF MARIETTA HANDICAPPED REQUIREMENTS: FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION HANDICAPPED ACCESS: NOT REQUIRED PLUMBING REQUIREMENTS: FACILITY HAS NO PLUMBING CODES: ALL WORK SHALL BE PERFORMED AND MATERIALS INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF ALL APPLICABLE NATIONAL, STATE, & LOCAL CODES AS ADOPTED BY THE LOCAL AUTHORITY HAVING JURISDICTION FOR THE LOCATION. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES. BUILDING CODE: 2018 IBC W/ GA AMENDMENTS MECHANICAL CODE: 2018 IMC W/ GA AMENDMENTS ELECTRICAL CODE: 2023 NEC FOR ANY CONFLICTS BETWEEN SECTIONS OF LISTED CODES AND STANDARDS, THE MOST RESTRICTIVE REQUIREMENT SHALL GOVERN.	ZONING CRC - COMMUNITY RETAIL COMMERCIAL	DATE: 12/17/25 NHA PROJECT MARIETTA, GA DATE SCALE AS SHOWN DRAWN BY CHECKED BY	PROJECT LOCATION MAP MARIETTA, GA BILLBOARD 1155 POWERS FERRY PL MARIETTA, GA 30067 INTERSTATE 75 POWERS FERRY PL FRANKLIN GATEWAY SOUTHEAST SITE LOCATION CALL GEORGIA ONE CALL (800) 282-7411 CALL 3 WORKING DAYS BEFORE YOU DIG! NO DIG ZONE	
				<table border="1"> <tr> <td>SHEET NUMBER T-1</td> </tr> </table>		SHEET NUMBER T-1
SHEET NUMBER T-1						

GENERAL NOTES

- THE MUNICIPALITY REQUIREMENTS AND THE LATEST CITY OF MARIETTA STANDARD SPECIFICATIONS INCLUDING CHANGES SHALL GOVERN ALL CONSTRUCTION ITEMS THAT ARE A PART OF THIS PLAN UNLESS OTHERWISE NOTED. WHEN CONFLICTS ARISE BETWEEN ABOVE LISTED SPECIFICATIONS, THE MORE STRINGENT SHALL TAKE PRECEDENCE.
- STANDARD SPECIFICATIONS, SUPPLEMENTAL SPECIFICATIONS, AND RECURRING SPECIAL PROVISIONS, CONSTRUCTION PLANS, AND SUBSEQUENT DETAILS ARE ALL TO BE CONSIDERED AS PART OF THE CONTRACT. INCIDENTAL ITEMS OR ACCESSORIES NECESSARY TO COMPLETE THIS WORK MAY NOT BE SPECIFICALLY NOTED, BUT ARE CONSIDERED A PART OF THIS CONTRACT.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR HAVING THE UTILITY COMPANIES LOCATE THEIR FACILITIES IN THE FIELD PRIOR TO CONSTRUCTION AND SHALL ALSO BE RESPONSIBLE FOR THE MAINTENANCE AND PRESERVATION OF THESE FACILITIES. THE ENGINEER DOES NOT WARRANT THE LOCATION OF ANY EXISTING UTILITIES SHOWN ON THE PLAN. THE CONTRACTOR SHALL CALL GEORGIA UTILITIES PROTECTION SERVICE (811) AND THE MUNICIPALITY FOR UTILITY LOCATIONS.

- NO CONSTRUCTION PLANS SHALL BE USED FOR CONSTRUCTION UNLESS SPECIFICALLY MARKED FOR CONSTRUCTION. PRIOR TO COMMENCEMENT OF CONSTRUCTION, THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS RECORDED ON THE PLANS WITH THE MUNICIPALITY CONCERNING THE SITE. IN ADDITION, THE CONTRACTOR MUST VERIFY THE SURVEYOR'S LINE AND GRADE STAKES. IF THERE ARE ANY DISCREPANCIES WITH WHAT IS SHOWN ON THE CONSTRUCTION PLANS, SPECIFICATIONS, AND/OR SPECIAL DETAILS, THE CONTRACTOR SHALL SECURE WRITTEN INSTRUCTION FROM THE ENGINEER PRIOR TO COMMENCING WITH ANY PART OF THE WORK. EXPENSES BY OWNERSHIP OR EXPENSES OF THE CONTRACTOR FOR SUCH INSTRUCTIONS, THE CONTRACTOR WILL BE CONSIDERED TO HAVE PROCEEDED AT THE CONTRACTOR'S OWN RISK AND EXPENSE. IN THE EVENT OF ANY DOUBT OR QUESTIONS ARISING WITH RESPECT TO THE TRUE MEANING OF THE CONSTRUCTION PLANS OR SPECIFICATIONS, THE DECISION OF THE ENGINEER SHALL BE FINAL AND CONCLUSIVE.

NOTIFICATION OF COMMENCING CONSTRUCTION:

- THE CONTRACTOR SHALL NOTIFY AFFECTED GOVERNMENTAL AGENCIES IN WRITING AT LEAST THREE FULL WORKING DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION. IN ADDITION, THE CONTRACTOR SHALL NOTIFY, AS NECESSARY, ALL TESTING AGENCIES, THE MUNICIPALITY, AND THE OWNER SUFFICIENTLY IN ADVANCE OF CONSTRUCTION.

- FAILURE OF THE CONTRACTOR TO ALLOW PROPER NOTIFICATION TIME WHICH RESULTS IN THE TESTING COMPANIES TO BE UNABLE TO VISIT THE SITE AND PERFORM TESTING WILL CAUSE THE CONTRACTOR TO SUSPEND THE OPERATION TO BE TESTED UNTIL THE TESTING AGENCY CAN SCHEDULE TESTING OPERATIONS. COST OF SUSPENSION OF WORK SHALL BE BORNE BY THE CONTRACTOR.

- ALL CONTRACTORS SHALL KEEP ACCESS AVAILABLE AT ALL TIMES FOR ALL EMERGENCY TRAFFIC, AS DIRECTED BY THE MUNICIPALITY.

- ALL PROPOSED GRADES SHOWN ON PLANS ARE FINISHED SURFACE ELEVATIONS, UNLESS NOTED OTHERWISE.

- THE CONTRACTOR SHALL PRESERVE ALL CONSTRUCTION STAKES UNTIL THEY ARE NO LONGER NEEDED. ANY STAKES DESTROYED OR DISTURBED BY THE CONTRACTOR PRIOR TO THEIR USE SHALL BE RESET BY THE SURVEYOR AT THE CONTRACTOR'S EXPENSE.

- ALL FRAMES AND LIDS FOR STORM AND SANITARY SEWERS, VALVE VAVUET COVERS, FIRE HYDRANTS, AND OTHER CONSTRUCTION ITEMS SHALL BE PROVIDED BY THE CONTRACTOR. THE CONTRACTOR SHALL PAY THE SEWER AND WATER CONTRACTOR, AND THE COST IS TO BE CONSIDERED INCIDENTAL. THESE ADJUSTMENTS TO FINISHED GRADE WILL NOT ALLEVIATE THE CONTRACTOR FROM ANY ADDITIONAL ADJUSTMENTS AS REQUIRED BY THE MUNICIPALITY UPON FINAL INSPECTION OF THE PROJECT. FINAL GRADES MAY BE DETERMINED BY THE MUNICIPALITY AND MAY VARY FROM PLAN GRADE.

- ANY EXISTING SIGNS, LIGHT STANDARDS, AND UTILITY POLES THAT INTERFERE WITH CONSTRUCTION OPERATIONS AND ARE NOT NOTED ON THE PLANS FOR DISPOSAL SHALL BE REMOVED AND RESET BY THE CONTRACTOR AT HIS/HER OWN EXPENSE. ANY DAMAGE TO THESE ITEMS SHALL BE REPAIRED OR REPLACED BY THE CONTRACTOR AT HIS/HER OWN EXPENSE TO THE SATISFACTION OF THE OWNER. ANY SIGNS NOT REQUIRED TO BE RESET SHALL BE DELIVERED TO THE RESPECTIVE OWNERS.

- REMOVAL OF SPECIFIED ITEMS, INCLUDING BUT NOT LIMITED TO, PAVEMENT, SIDEWALK, CURB, CURB AND GUTTER, CULVERTS, ETC., SHALL BE DISPOSED OF OFF-SITE BY THE CONTRACTOR AT THE CONTRACTOR'S OWN EXPENSE. THE CONTRACTOR IS RESPONSIBLE FOR ANY PERMITS REQUIRED FOR SUCH DISPOSAL.

- ANY FIELD TILES ENCOUNTERED SHALL BE INSPECTED BY THE MUNICIPALITY. THE DRAIN TILE SHALL BE CONNECTED TO THE STORM SEWER SYSTEM AND A RECORD KEPT BY THE CONTRACTOR OF THE LOCATIONS AND TURNED OVER TO THE MUNICIPALITY UPON COMPLETION OF THE PROJECT. THE COST OF THIS WORK SHALL BE CONSIDERED INCIDENTAL TO THE CONTRACT, AND NO ADDITIONAL COMPENSATION SHALL BE ALLOWED.

- BEFORE ACCEPTANCE, ALL WORK SHALL BE INSPECTED BY THE MUNICIPALITY, AS NECESSARY.

- EASEMENTS FOR THE EXISTING UTILITIES, BOTH PUBLIC AND PRIVATE, AND UTILITIES WITHIN PUBLIC RIGHT-OF-WAYS ARE SHOWN ON THE PLANS ACCORDING TO AVAILABLE RECORDS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE EXACT LOCATION OF THESE UTILITY LINES AND THEIR PROTECTION FROM DAMAGE DUE TO CONSTRUCTION OPERATIONS. IF EXISTING UTILITY LINES OF ANY NATURE ARE ENCOUNTERED WHICH CONFLICT WITH LOCATIONS OF THE NEW CONSTRUCTION, THE CONTRACTOR SHALL NOTIFY THE ENGINEER SO THAT THE CONFLICT MAY BE RESOLVED.

- OWNER SHALL OBTAIN EASEMENTS AND APPROVAL OF PERMITS NECESSARY TO FACILITATE CONSTRUCTION OF THE PROPOSED UTILITIES. THE CONTRACTOR, HOWEVER, SHALL FURNISH ALL REQUIRED BONDS AND EVIDENCE OF INSURANCE NECESSARY TO SECURE THESE PERMITS AND EASEMENTS.

- THE CONTRACTORS SHALL PLAN THEIR WORK BASED ON THEIR OWN BORINGS, EXPLORATIONS, AND OBSERVATIONS TO DETERMINE SOIL CONDITIONS AT THE LOCATION OF THE PROPOSED WORK.

- THE CONTRACTOR IS SOLELY RESPONSIBLE FOR SAFETY ON THE JOB PER OSHA REGULATIONS.

- IT SHALL BE THE CONTRACTOR'S SOLE RESPONSIBILITY TO PROVIDE PROPER BARRICAADING, WARNING DEVICES, AND THE SAFE MANAGEMENT OF TRAFFIC WITHIN THE AREA OF CONSTRUCTION. ALL SUCH DEVICES AND THEIR INSTALLATION SHALL CONFORM TO THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES FOR STREET AND HIGHWAYS, LATEST EDITION, AND IN ACCORDANCE WITH THE MUNICIPAL ORDINANCES.

- THE CONTRACTOR SHALL COLLECT AND REMOVE ALL CONSTRUCTION DEBRIS, EXCESS MATERIALS, TRASH, OIL AND GREASE RESIDUE, MACHINERY, TOOLS, AND OTHER MISCELLANEOUS ITEMS WHICH WERE NOT PRESENT PRIOR TO PROJECT COMMENCEMENT AT NO ADDITIONAL EXPENSE TO THE OWNER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ACQUIRING ANY AND ALL PERMITS NECESSARY FOR THE HAULING AND DISPOSAL REQUIRED FOR CLEANUP, AS DIRECTED BY THE ENGINEER OR OWNER. BURNING ON THE SITE IS NOT PERMITTED.

- NO UNDERGROUND WORK SHALL BE COVERED UNTIL IT HAS BEEN APPROVED BY THE MUNICIPALITY. APPROVAL TO PROCEED MUST BE OBTAINED FROM THE MUNICIPALITY PRIOR TO INSTALLING PAVEMENT, BASE, BINDER, AND SURFACE, AND PRIOR TO POURING ANY CONCRETE AFTER FORMS HAVE BEEN SET, AS NECESSARY.

- ALL REMOVED UTILITIES OR IMPROVEMENTS, INCLUDING WALKS, CURBS, PAVEMENT, AND PARKWAYS DAMAGED OR REMOVED DURING CONSTRUCTION SHALL BE PROMPTLY RESTORED TO THEIR RESPECTIVE ORIGINAL CONDITION. THIS WORK SHALL BE CONSIDERED INCIDENTAL TO THE CONTRACT UNLESS A PAY ITEM IS LISTED ON THE BID LIST.

- AT THE CLOSE OF EACH WORKING DAY AND AT THE CONCLUSION OF CONSTRUCTION OPERATIONS, ALL DRAINAGE STRUCTURES AND FLOW LINES SHALL BE FREE FROM DIRT AND DEBRIS.

- TREES NOT MARKED FOR REMOVAL SHALL BE CONSIDERED AS DESIGNATED TO BE SAVED AND SHALL BE PROTECTED, AS PER MUNICIPAL STANDARDS.

- LIMB PRUNING SHALL BE PERFORMED UNDER THE SUPERVISION OF AN APPROVED LANDSCAPE, ARCHITECT, FORESTER, OR ARBORIST AND SHALL BE UNDERTAKEN IN A TIMELY FASHION SO AS NOT TO INTERFERE WITH CONSTRUCTION. ALL LIMBS, BRANCHES, AND OTHER DEBRIS RESULTING FROM THIS WORK SHALL BE DISPOSED OF OFF-SITE BY THE CONTRACTOR AT HIS/HER OWN EXPENSE. ALL CUTS OVER ONE (1) INCH IN DIAMETER SHALL BE PAINTED WITH AN APPROVED TREE PAINT.

- WHERE SHOWN ON THE PLANS OR DIRECTED BY THE ENGINEER, EXISTING DRAINAGE STRUCTURES AND PIPE SHALL BE CLEARED OF DEBRIS AND PATCHED AS NECESSARY TO ASSURE INTEGRITY OF THE STRUCTURE. THIS WORK SHALL NOT BE PAID FOR SEPARATELY, BUT SHALL BE MERGED INTO THE CONTRACT UNIT PRICE EACH FOR STRUCTURES AND CONTRACT UNIT PRICE, PER LINEAL FOOT FOR STORM SEWERS, WHICH SHALL BE PAID IN FULL FOR CLEANING, PATCHING, REMOVAL, AND DISPOSAL OF DEBRIS AND DIRT. DRAINAGE STRUCTURES AND STORM SEWERS CONSTRUCTED AS PART OF THIS PROJECT SHALL BE MAINTAINED BY THE CONTRACTOR AT HIS EXPENSE. NO EXTRA PAYMENT WILL BE MADE FOR CLEANING STRUCTURES OR STORM SEWERS CONSTRUCTED AS PART OF THIS PROJECT.

- HYDRANTS SHALL NOT BE FLUSHED DIRECTLY ONTO THE ROAD SUBGRADES. WHENEVER POSSIBLE, HOSES SHALL BE USED TO DIRECT THE WATER INTO LOT AREAS OR THE STORM SEWER SYSTEM, IF AVAILABLE. DAMAGE TO THE ROAD SUBGRADE FROM LOT FLUSHING DUE TO EXCESSIVE WATER SATURATION, DIRT, OR EROSION FROM HYDRANT FLUSHING, OR FROM LEAKS IN THE HYDRANT, SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. FLUSHING OR USING THE HYDRANT AT THE CONTRACTOR'S OWN EXPENSE, LEAKS IN THE WATER DISTRIBUTION SYSTEM SHALL BE THE RESPONSIBILITY OF THE WATER MAIN CONTRACTOR AND SHALL BE REPAIRED AT HIS EXPENSE.

- AFTER THE STORM SEWER SYSTEM HAS BEEN CONSTRUCTED, THE CONTRACTOR SHALL PLACE EROSION CONTROL AT LOCATIONS INDICATED BY THE ENGINEER. THE PURPOSE OF THE EROSION CONTROL WILL BE TO MINIMIZE THE AMOUNT OF SILTATION THAT NORMALLY WOULD ENTER THE STORM SEWER SYSTEM FROM ADJACENT AND/OR UPSTREAM DRAINAGE AREAS.

- THE TRENCHES FOR PIPE INSTALLATION SHALL BE KEPT DRY AT ALL TIMES DURING PIPE PLACEMENT. APPROPRIATE FACILITIES TO MAINTAIN THE DRY TRENCH SHALL BE PROVIDED BY THE CONTRACTOR, AND THE COST OF SUCH SHALL BE INCIDENTAL TO THE UNIT PRICE BID FOR THE ITEM. PLANS FOR THE SITE Dewatering, IF employed, SHALL BE SUBMITTED TO AND APPROVED BY THE ENGINEER PRIOR TO IMPLEMENTATION. NO ADDITIONAL COMPENSATION SHALL BE MADE FOR Dewatering DURING CONSTRUCTION UNLESS APPROVED IN WRITING BY THE OWNER.

- EROSION CONTROL MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH IDEM REGULATIONS AND STANDARDS FOR SOIL EROSION AND SEDIMENTATION CONTROL AND SHALL BE MAINTAINED BY THE CONTRACTOR AND REMAIN IN PLACE UNTIL A SUITABLE GROWTH OF GRASS, ACCEPTABLE TO THE ENGINEER, HAS DEVELOPED.

- THE CONTRACTOR IS SOLELY RESPONSIBLE FOR DETAILED PHASING AND CONSTRUCTION SEQUENCING NECESSARY TO CONSTRUCT THE PROPOSED IMPROVEMENTS INCLUDED IN THESE PLANS. THE CONTRACTOR SHALL NOTIFY ENGINEER IN WRITING IMMEDIATELY, PRIOR TO AND/OR DURING CONSTRUCTION IF ANY ADDITIONAL INFORMATION ON THE CONSTRUCTION SEQUENCE IS NECESSARY. CONTRACTOR IS SOLELY RESPONSIBLE FOR COMPLYING WITH THE REQUIREMENTS OF THE AUTHORITY HAVING JURISDICTION AND ALL OTHER APPLICABLE LAWS.

EROSION CONTROL NOTES

- CONSTRUCTION ENTRANCE SHALL BE LOCATED SO AS TO PROVIDE THE LEAST AMOUNT OF DISTURBANCE TO THE FLOW OF TRAFFIC IN AND OUT OF THE SITE. ADDITIONALLY, CONSTRUCTION ENTRANCE SHALL BE LOCATED TO COINCIDE WITH THE PHASING OF THE PAVEMENT REPLACEMENT.
- POST CONSTRUCTION STORM WATER POLLUTION CONTROL MEASURES INCLUDE STABILIZATION BY PERMANENT PAVING, DRAINAGE SYSTEM STRUCTURE, OR LANDSCAPING.
- TEMPORARY AND PERMANENT STABILIZATION PRACTICES AND BMP'S SHALL BE INSTALLED AT THE EARLIEST POSSIBLE TIME DURING THE CONSTRUCTION SEQUENCE. AS AN EXAMPLE, PERIMETER SILT FENCE SHALL BE INSTALLED BEFORE COMMENCEMENT OF ANY GRADING ACTIVITIES. OTHER BMP'S SHALL BE INSTALLED AS SOON AS PRACTICABLE AND SHALL BE MAINTAINED UNTIL FINAL SITE STABILIZATION IS ATTAINED. CONTRACTOR SHALL ALSO REFERENCE CIVIL AND LANDSCAPE PLANS CONCERNING THE CONSTRUCTION SEQUENCE. THE CONTRACTOR ASSUMES FULL RESPONSIBILITY IN THE EVENT OF DISAGREEMENT BETWEEN THE CONSTRUCTION PLANS, SPECIFICATIONS, AND/OR SPECIAL DETAILS, THE CONTRACTOR SHALL SECURE WRITTEN INSTRUCTION FROM THE ENGINEER PRIOR TO COMMENCING WITH ANY PART OF THE WORK. OTHERWISE, THE CONTRACTOR ASSUMES FULL RESPONSIBILITY IN THE EVENT OF ANY DOUBT OR QUESTIONS ARISING WITH RESPECT TO THE TRUE MEANING OF THE CONSTRUCTION PLANS OR SPECIFICATIONS. THE DECISION OF THE ENGINEER SHALL BE FINAL AND CONCLUSIVE.
- NO CONSTRUCTION PLANS SHALL BE USED FOR CONSTRUCTION UNLESS SPECIFICALLY MARKED FOR CONSTRUCTION. PRIOR TO COMMENCEMENT OF CONSTRUCTION, THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS RECORDED ON THE PLANS WITH THE MUNICIPALITY CONCERNING THE SITE. IN ADDITION, THE CONTRACTOR MUST VERIFY THE SURVEYOR'S LINE AND GRADE STAKES. IF THERE ARE ANY DISCREPANCIES WITH WHAT IS SHOWN ON THE CONSTRUCTION PLANS, SPECIFICATIONS, AND/OR SPECIAL DETAILS, THE CONTRACTOR SHALL SECURE WRITTEN INSTRUCTION FROM THE ENGINEER PRIOR TO COMMENCING WITH ANY PART OF THE WORK. OTHERWISE, THE CONTRACTOR ASSUMES FULL RESPONSIBILITY IN THE EVENT OF ANY DOUBT OR QUESTIONS ARISING WITH RESPECT TO THE TRUE MEANING OF THE CONSTRUCTION PLANS OR SPECIFICATIONS. THE DECISION OF THE ENGINEER SHALL BE FINAL AND CONCLUSIVE.
- NOTIFICATION OF COMMENCING CONSTRUCTION:
- THE CONTRACTOR SHALL NOTIFY AFFECTED GOVERNMENTAL AGENCIES IN WRITING AT LEAST THREE FULL WORKING DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION. IN ADDITION, THE CONTRACTOR SHALL NOTIFY, AS NECESSARY, ALL TESTING AGENCIES, THE MUNICIPALITY, AND THE OWNER SUFFICIENTLY IN ADVANCE OF CONSTRUCTION.
- FAILURE OF THE CONTRACTOR TO ALLOW PROPER NOTIFICATION TIME WHICH RESULTS IN THE TESTING COMPANIES TO BE UNABLE TO VISIT THE SITE AND PERFORM TESTING WILL CAUSE THE CONTRACTOR TO SUSPEND THE OPERATION TO BE TESTED UNTIL THE TESTING AGENCY CAN SCHEDULE TESTING OPERATIONS. COST OF SUSPENSION OF WORK SHALL BE BORNE BY THE CONTRACTOR.
- ALL CONTRACTORS SHALL KEEP ACCESS AVAILABLE AT ALL TIMES FOR ALL EMERGENCY TRAFFIC, AS DIRECTED BY THE MUNICIPALITY.
- ALL PROPOSED GRADES SHOWN ON PLANS ARE FINISHED SURFACE ELEVATIONS, UNLESS NOTED OTHERWISE.
- THE CONTRACTOR SHALL PRESERVE ALL CONSTRUCTION STAKES UNTIL THEY ARE NO LONGER NEEDED. ANY STAKES DESTROYED OR DISTURBED BY THE CONTRACTOR PRIOR TO THEIR USE SHALL BE RESET BY THE SURVEYOR AT THE CONTRACTOR'S EXPENSE.
- ALL FRAMES AND LIDS FOR STORM AND SANITARY SEWERS, VALVE VAVUET COVERS, FIRE HYDRANTS, AND OTHER CONSTRUCTION ITEMS SHALL BE PROVIDED BY THE CONTRACTOR. THE CONTRACTOR SHALL PAY THE SEWER AND WATER CONTRACTOR, AND THE COST IS TO BE CONSIDERED INCIDENTAL. THESE ADJUSTMENTS TO FINISHED GRADE WILL NOT ALLEVIATE THE CONTRACTOR FROM ANY ADDITIONAL ADJUSTMENTS AS REQUIRED BY THE MUNICIPALITY UPON FINAL INSPECTION OF THE PROJECT. FINAL GRADES MAY BE DETERMINED BY THE MUNICIPALITY AND MAY VARY FROM PLAN GRADE.
- ANY EXISTING SIGNS, LIGHT STANDARDS, AND UTILITY POLES THAT INTERFERE WITH CONSTRUCTION OPERATIONS AND ARE NOT NOTED ON THE PLANS FOR DISPOSAL SHALL BE REMOVED AND RESET BY THE CONTRACTOR AT HIS/HER OWN EXPENSE. ANY DAMAGE TO THESE ITEMS SHALL BE REPAIRED OR REPLACED BY THE CONTRACTOR AT HIS/HER OWN EXPENSE TO THE SATISFACTION OF THE OWNER. ANY SIGNS NOT REQUIRED TO BE RESET SHALL BE DELIVERED TO THE RESPECTIVE OWNERS.
- REMOVAL OF SPECIFIED ITEMS, INCLUDING BUT NOT LIMITED TO, PAVEMENT, SIDEWALK, CURB, CURB AND GUTTER, CULVERTS, ETC., SHALL BE DISPOSED OF OFF-SITE BY THE CONTRACTOR AT THE CONTRACTOR'S OWN EXPENSE. THE CONTRACTOR IS RESPONSIBLE FOR ANY PERMITS REQUIRED FOR SUCH DISPOSAL.
- ANY FIELD TILES ENCOUNTERED SHALL BE INSPECTED BY THE MUNICIPALITY. THE DRAIN TILE SHALL BE CONNECTED TO THE STORM SEWER SYSTEM AND A RECORD KEPT BY THE CONTRACTOR OF THE LOCATIONS AND TURNED OVER TO THE MUNICIPALITY UPON COMPLETION OF THE PROJECT. THE COST OF THIS WORK SHALL BE CONSIDERED INCIDENTAL TO THE CONTRACT, AND NO ADDITIONAL COMPENSATION SHALL BE ALLOWED.
- BEFORE ACCEPTANCE, ALL WORK SHALL BE INSPECTED BY THE MUNICIPALITY, AS NECESSARY.
- EASEMENTS FOR THE EXISTING UTILITIES, BOTH PUBLIC AND PRIVATE, AND UTILITIES WITHIN PUBLIC RIGHT-OF-WAYS ARE SHOWN ON THE PLANS ACCORDING TO AVAILABLE RECORDS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE EXACT LOCATION OF THESE UTILITY LINES AND THEIR PROTECTION FROM DAMAGE DUE TO CONSTRUCTION OPERATIONS. IF EXISTING UTILITY LINES OF ANY NATURE ARE ENCOUNTERED WHICH CONFLICT WITH LOCATIONS OF THE NEW CONSTRUCTION, THE CONTRACTOR SHALL NOTIFY THE ENGINEER SO THAT THE CONFLICT MAY BE RESOLVED.
- OWNER SHALL OBTAIN EASEMENTS AND APPROVAL OF PERMITS NECESSARY TO FACILITATE CONSTRUCTION OF THE PROPOSED UTILITIES. THE CONTRACTOR, HOWEVER, SHALL FURNISH ALL REQUIRED BONDS AND EVIDENCE OF INSURANCE NECESSARY TO SECURE THESE PERMITS AND EASEMENTS.
- THE CONTRACTORS SHALL PLAN THEIR WORK BASED ON THEIR OWN BORINGS, EXPLORATIONS, AND OBSERVATIONS TO DETERMINE SOIL CONDITIONS AT THE LOCATION OF THE PROPOSED WORK.
- THE CONTRACTOR IS SOLELY RESPONSIBLE FOR SAFETY ON THE JOB PER OSHA REGULATIONS.
- IT SHALL BE THE CONTRACTOR'S SOLE RESPONSIBILITY TO PROVIDE PROPER BARRICAADING, WARNING DEVICES, AND THE SAFE MANAGEMENT OF TRAFFIC WITHIN THE AREA OF CONSTRUCTION. ALL SUCH DEVICES AND THEIR INSTALLATION SHALL CONFORM TO THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES FOR STREET AND HIGHWAYS, LATEST EDITION, AND IN ACCORDANCE WITH THE MUNICIPAL ORDINANCES.
- THE CONTRACTOR SHALL COLLECT AND REMOVE ALL CONSTRUCTION DEBRIS, EXCESS MATERIALS, TRASH, OIL AND GREASE RESIDUE, MACHINERY, TOOLS, AND OTHER MISCELLANEOUS ITEMS WHICH WERE NOT PRESENT PRIOR TO PROJECT COMMENCEMENT AT NO ADDITIONAL EXPENSE TO THE OWNER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ACQUIRING ANY AND ALL PERMITS NECESSARY FOR THE HAULING AND DISPOSAL REQUIRED FOR CLEANUP, AS DIRECTED BY THE ENGINEER OR OWNER. BURNING ON THE SITE IS NOT PERMITTED.
- NO UNDERGROUND WORK SHALL BE COVERED UNTIL IT HAS BEEN APPROVED BY THE MUNICIPALITY. APPROVAL TO PROCEED MUST BE OBTAINED FROM THE MUNICIPALITY PRIOR TO INSTALLING PAVEMENT, BASE, BINDER, AND SURFACE, AND PRIOR TO POURING ANY CONCRETE AFTER FORMS HAVE BEEN SET, AS NECESSARY.
- ALL REMOVED UTILITIES OR IMPROVEMENTS, INCLUDING WALKS, CURBS, PAVEMENT, AND PARKWAYS DAMAGED OR REMOVED DURING CONSTRUCTION SHALL BE PROMPTLY RESTORED TO THEIR RESPECTIVE ORIGINAL CONDITION. THIS WORK SHALL BE CONSIDERED INCIDENTAL TO THE CONTRACT UNLESS A PAY ITEM IS LISTED ON THE BID LIST.
- AT THE CLOSE OF EACH WORKING DAY AND AT THE CONCLUSION OF CONSTRUCTION OPERATIONS, ALL DRAINAGE STRUCTURES AND FLOW LINES SHALL BE FREE FROM DIRT AND DEBRIS.
- TREES NOT MARKED FOR REMOVAL SHALL BE CONSIDERED AS DESIGNATED TO BE SAVED AND SHALL BE PROTECTED, AS PER MUNICIPAL STANDARDS.
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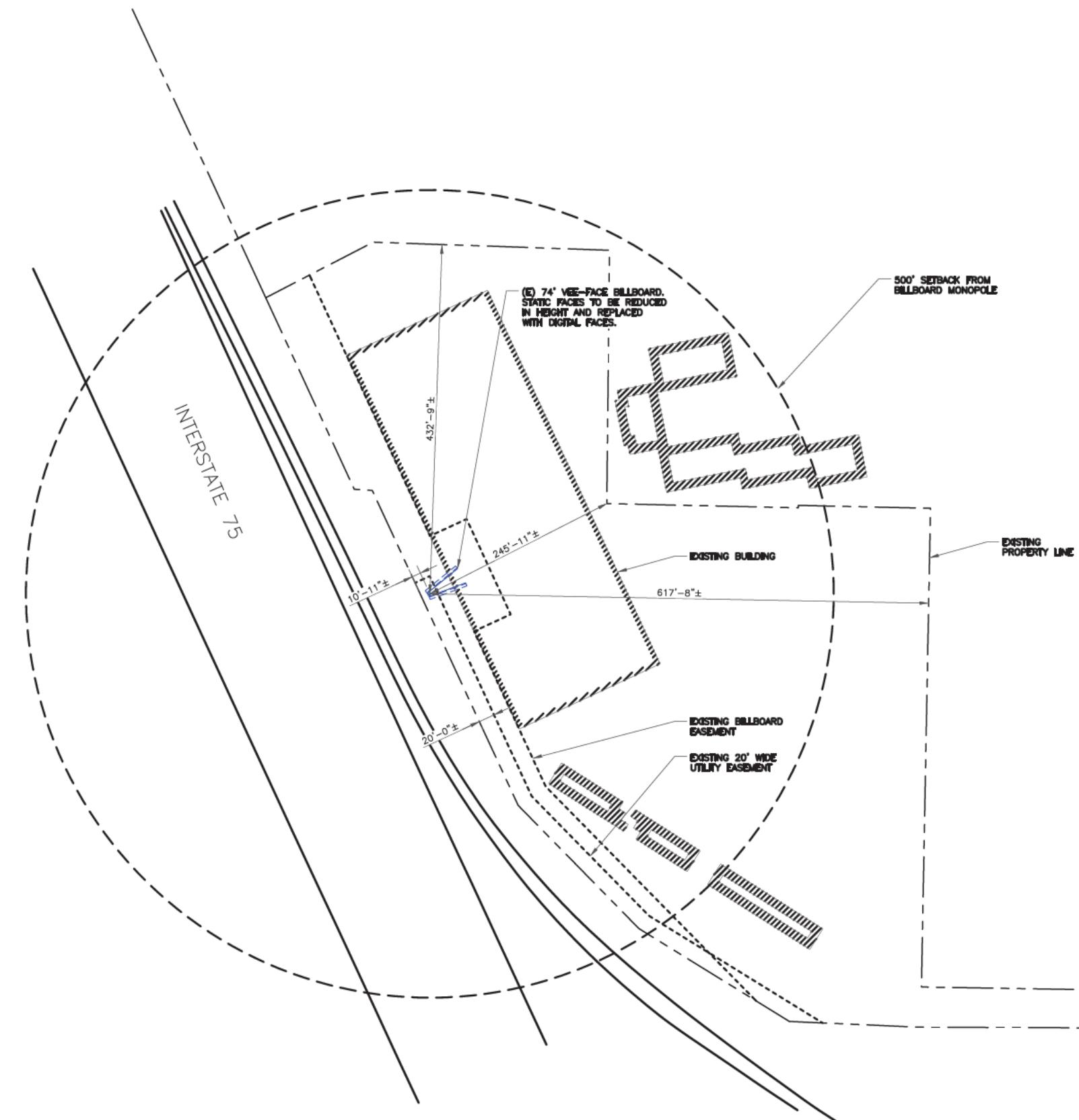
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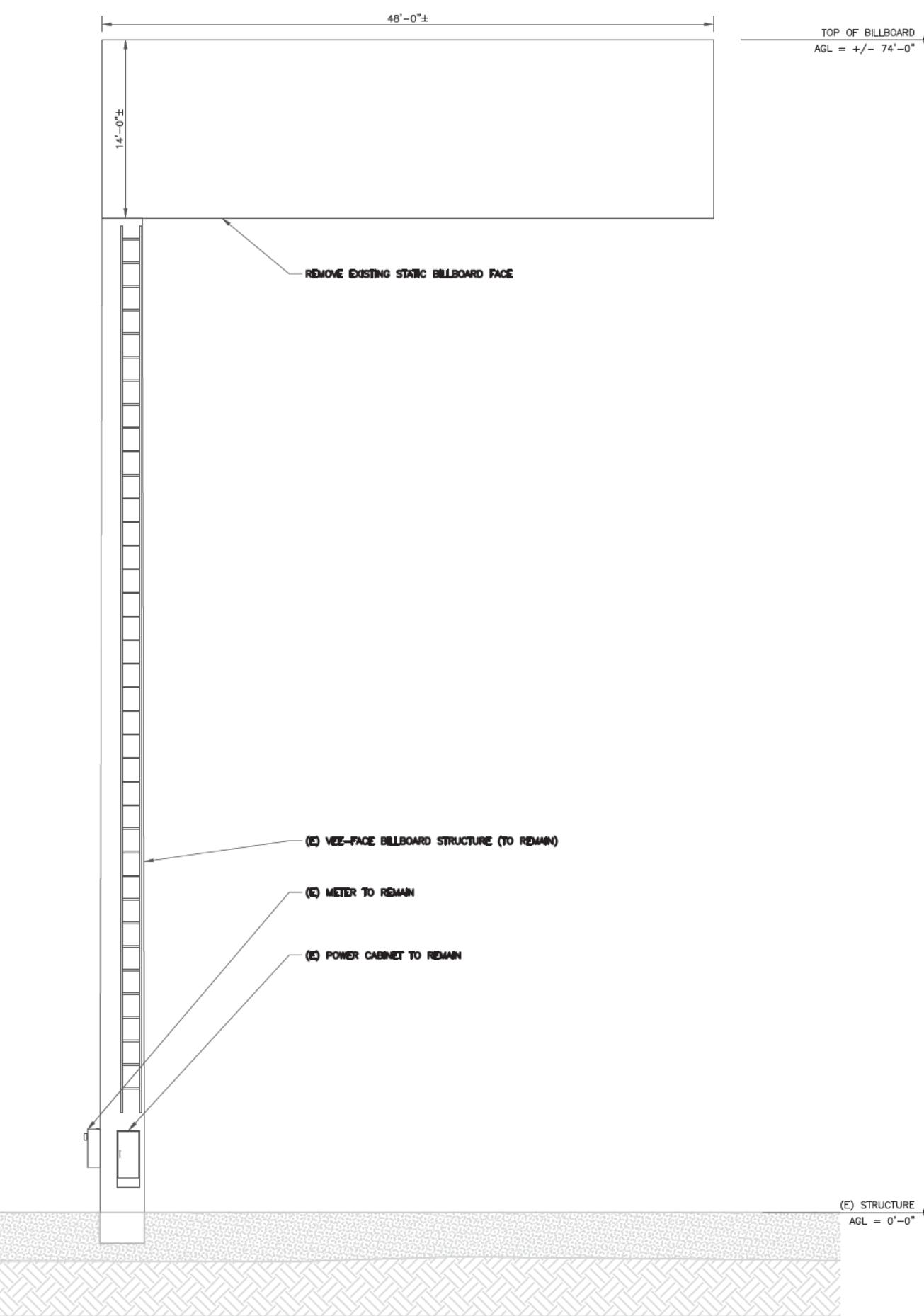
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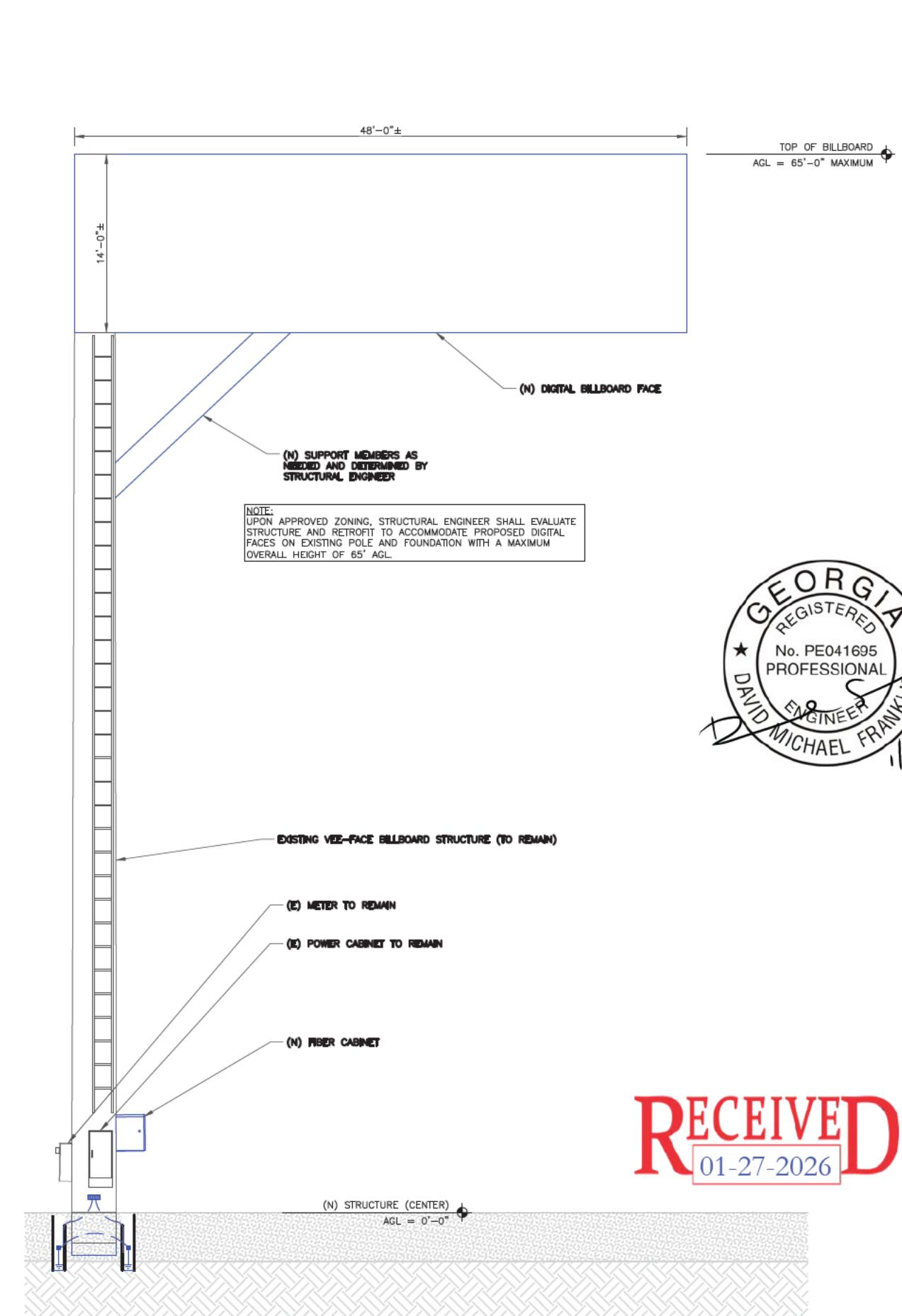
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