

After recording, return to:  
City of Cumming  
Department of Utilities  
100 Main Street  
Cumming, Georgia 30040

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The above space is reserved for recording purposes.

**SEWER CAPACITY ASSIGNMENT**

**Name of Development:** \_\_\_\_\_

THIS SEWER CAPACITY ASSIGNMENT (the "Assignment") is made this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, between \_\_\_\_\_ (the "Seller"), and \_\_\_\_\_ (the "Purchaser").

**WITNESSETH:**

Purchaser has, as of the date hereof, purchased from Seller, the real property (the "Property") described on Exhibit "A" attached hereto and by this reference made a part hereof. As part of that purchase, Seller has agreed to sell to Purchaser, and Purchaser has agreed to purchase from Seller, certain sanitary sewer capacity for the benefit of Purchaser's use and development of the Property.

NOW, THEREFORE, for and in consideration of Ten (\$10.00) Dollars and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Seller's Sewer Capacity. Seller represents and warrants to Purchaser that (a) Seller purchased from the City of Cumming, Georgia, \_\_\_\_\_ gallons per day of sewer capacity with respect to \_\_\_\_\_ (the "Development") and that the Property is part of the Development; (b) Seller has used or applied \_\_\_\_\_ gallons per day of sewer capacity in the Development as of the date of this Assignment; (c) Seller has \_\_\_\_\_ gallons per day of remaining sewer capacity for the Development; (d) Seller has not encumbered, pledged or assigned Seller's remaining

sewer capacity or any portion thereof; and (e) Seller has the full right, power and authority to grant and convey to Purchaser the "Assigned Capacity" defined below.

2. Assignment. Seller hereby bargains, sells, conveys, transfers and assigns to Purchaser \_\_\_\_\_ gallons per day of Seller's Sewer Capacity (the "Assigned Capacity") for the Property within the public sewer facilities of the City of Cumming, together with any and all singular rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining to the only proper use and benefit of the Property.

3. Miscellaneous. The assignment of the Assigned Capacity is an appurtenance to, touches and concerns, and benefits the Property. This Assignment shall bind, and inure to the benefit of, Purchaser and their respective successors and assigns. The Assigned Capacity runs with the Property and cannot be sold or assigned to any other Property without the express prior written consent of the City of Cumming, Georgia. Purchaser agrees to be bound to all terms and conditions contained in the original purchase of the Assigned Capacity by the Seller or its predecessor(s) from the City of Cumming, Georgia. This Assignment will not be effective until signed by all parties, recorded on the real estate records of the Clerk of Superior Court of Forsyth County and after recording filed with the Department of Utilities of the City of Cumming, 100 Main Street, Cumming, Georgia 30040.

Signed, sealed and delivered in the presence of:

\_\_\_\_\_  
Unofficial Witness

\_\_\_\_\_  
Notary Public

[NOTARY SEAL]

Signed, sealed and delivered in the presence of:

\_\_\_\_\_  
Unofficial Witness

\_\_\_\_\_  
Notary Public

[NOTARY SEAL]

**SELLER:**

\_\_\_\_\_

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

[CORPORATE SEAL]

**PURCHASER:**

\_\_\_\_\_

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

[CORPORATE SEAL]

**Received and filed by the City of Cumming Department of Utilities:**

By: \_\_\_\_\_ Date: \_\_\_\_\_

**Jonathon W. Heard, Director of Utilities**

**EXHIBIT A**

**EXAMPLE METES AND BOUNDS**

All that tract or parcel of land lying and being in Land Lots \_\_\_\_\_ and \_\_\_\_\_, \_\_\_\_\_ District, \_\_\_\_\_ Section, Forsyth County, Georgia, and being more particularly described as follows:

As further described on that plat recorded in Plat Book \_\_\_\_\_ Page \_\_\_\_\_ Forsyth County Georgia records which plat is hereby referred to and made a part of this description.

**EXHIBIT B**

**PLAT**