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**CITY COUNCIL AGENDA ITEM**

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**TO:** Mayor & City Council

**DATE:** November 24, 2014

**FROM:** John McDonough, City Manager

**AGENDA ITEM:** Resolution to authorize the use of eminent domain to acquire property located at 237 Johnson Ferry Road (also known as 221 Johnson Ferry Road) (Parcel ID: 17-0089-LL-111-4) in Sandy Springs ("Property") for public use

**MEETING DATE:** For Submission onto the December 2, 2014, City Council Regular Meeting Agenda

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**BACKGROUND INFORMATION:** (Attach additional pages if necessary)

See attached:

Memorandum  
Resolution

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CITY MANAGER APPROVAL: \_\_\_\_\_

PLACED ON AGENDA FOR: **12/02/2014**

CITY ATTORNEY APPROVAL REQUIRED: (  ) YES (  ) NO

CITY ATTORNEY APPROVAL: \_\_\_\_\_



To: Honorable Mayor and City Council Members

From: Wendell K. Willard

Date: For Submission on the December 2, 2014 City Council Meeting Agenda

Item: Resolution to authorize the use of eminent domain to acquire property located at 237 Johnson Ferry Road (also known as 221 Johnson Ferry Road) (Parcel ID: 17-0089-LL-111-4) in Sandy Springs ("Property") for public use

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**City Attorney's Recommendation:**

The City Attorney's Office recommends that the Council approve the attached resolution authorizing the use of eminent domain to acquire the above-referenced Property.

**Background and Discussion:**

The Property is owned by Flambeau Realty, Inc. and Straus Irma Realty Corp. ("Owner"). Goodwill Industries of North Georgia, Inc. is the tenant currently occupying the building on the Property. The Owner and tenant have been notified of this Council meeting, as required by Georgia law.

The Property is within the scope of the City Center Master Plan and acquisition of fee simple interest in the Property is necessary for development of the City Center in accordance with the Master Plan. The purpose for which the Property will be acquired constitutes a "public use" under Georgia eminent domain law.

The City Attorney continues good faith negotiations with the Owner, making every reasonable effort to acquire the Property by negotiation. The Owner has declined the City's offer of \$3,900,000, the appraisal value as of September 29, 2014. Since efforts to acquire the Property by negotiation have not been successful to date; the City Attorney now seeks authorization from City Council to proceed in eminent domain, should continued negotiations fail.

**Attachments:**

Resolution to acquire the Property by the use of eminent domain.

**Alternatives:**

Determine not to acquire the Property by the use of eminent domain.

**STATE OF GEORGIA  
COUNTY OF FULTON**

**A RESOLUTION TO AUTHORIZE THE USE OF EMINENT DOMAIN TO ACQUIRE PROPERTY LOCATED AT 237 JOHNSON FERRY ROAD (ALSO KNOWN AS 221 JOHNSON FERRY ROAD) IN SANDY SPRINGS, GEORGIA (PARCEL ID: 17-0089-LL-111-4) FOR PUBLIC USE**

**WHEREAS**, the City of Sandy Springs (“City”) has determined that it is necessary to develop a City center and infrastructure project (“Project”); and

**WHEREAS**, on December 18, 2012, the City adopted a City Center Master Plan following a comprehensive study conducted by an independent firm; and

**WHEREAS**, the City Center Master Plan contemplates acquisition by the City of certain property within the City limits for use as, among other things, a City government complex, green space, parks and rights-of-way for channels of trade and travel; and

**WHEREAS**, such uses constitutes “public use” within the meaning of O.C.G.A. § 22-1-1, et seq. (“Act”); and

**WHEREAS**, the property located at 237 Johnson Ferry Road (also known as 221 Johnson Ferry Road), in Sandy Springs (“Property”) (Parcel ID: 17-0089-LL-111-4) is property within the scope of the Project, and therefore the City desires to acquire fee simple interest in the Property to accomplish the Project; and

**WHEREAS**, the City Attorney has caused to be conducted an appraisal of the Property and the owner or his/her designated representatives were given an opportunity to accompany the appraiser during inspection of the Property; and

**WHEREAS**, the City has offered the owner of the Property its September 29, 2014 appraised value of \$3,900,000 to acquire fee simple title; and

**WHEREAS**, the City has funds available to purchase the Property; and

**WHEREAS**, the City Attorney has made every reasonable effort to acquire the Property expeditiously by negotiation; and

**WHEREAS**, the City has been unable to reach an agreement with the Property owner to acquire the Property; and

**WHEREAS**, the Mayor and City Council deem it in the public interest to acquire fee simple title to the Property to insure timely implementation and completion of the Project consistent with the City Center Master Plan; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Sandy Springs, Georgia, while in regular session on December 2, 2014, at 6:00 p.m. as follows:

1. The Council hereby authorizes the City Attorney's Office to acquire the property located at 237 Johnson Ferry Road (also known as 221 Johnson Ferry Road), in Sandy Springs (Parcel ID: 17-0089-LL-111-4) through the use of eminent domain by any method allowed by law, in order to insure the timely completion of the Project.
2. The Mayor is specifically authorized to execute any documents necessary to further the filing of any petition related to the same.
3. The Property sought to be acquired is more fully described in Exhibit "A" attached hereto and incorporated herein by reference.

**RESOLVED** this the \_\_\_\_ day of \_\_\_\_\_, 2014.

Approved:

\_\_\_\_\_  
Russell K. Paul, Mayor

Attest:

\_\_\_\_\_  
Michael Casey, City Clerk

(SEAL)

**EXHIBIT "A"**

**PROPERTY DESCRIPTION**

All that tract or parcel of land lying and being in Land Lot 89 of the 17<sup>th</sup> District, Fulton County, Georgia.

Beginning at the northeast intersection of the right of ways (R/W) of Mount Vernon Highway and Sandy Springs Circle; thence along the northerly R/W of Mount Vernon Highway 448.2 feet to the true point of beginning; thence leaving said R/W N 03-49-27 W 373.78 feet to a point; thence N 86-10-33 E 60.63 feet to a point; thence N 03-49-27 W 168.20 feet to a point on the R/W of Johnson Ferry Road; thence along said R/W S 74-51 E 232.77 feet to a point; thence leaving said R/W S 02-20-04 E 169.38 feet to an iron pin (I.P.); thence S 76-01-51 E 96.59 feet to an I.P.; thence S 12-54-15 W 79.56 feet to a point; thence S 81-09-27 W 111.88 feet to an I.P.; thence S 04-06-20 E 159.77 feet to the R/W of Mount Vernon Highway; thence along said R/W S 80-39 W 174.16 feet to a point; thence S 81-34 W 61.60 feet to the point of beginning. Said tract contains 2.973 acres.