



SANDY SPRINGS

GEORGIA

To: Mayor and City Council
Cc: Peggy Merriss, Interim City Manager
From: Daniel W. Lee, City Attorney
Date: August 6, 2019
Re: City of Sandy Springs, Georgia vs. The hereinafter described lands and rights in lands of 135 Mount Vernon Hwy, Sandy Springs, Fulton County, Georgia, Parcel ID 17-0089-0005-018-5; Richard R. Beavers; Randy Beavers Insurance Agency, Inc.; Hon. Arthur Ferdinand, Tax Commissioner for Fulton County, Georgia; Hon. Pinkie Toomer, Probate Court Judge, Fulton County, Georgia; And Any And All Others Claiming An Interest In The Described Lands. (CC-10 Sandy Springs Circle Streetscape Project)

In settlement of the above referenced condemnation action for the property located at 135 Mount Vernon Hwy the City Attorney is presenting for your consideration a settlement of all claims. This property is owned by Richard R. "Randy" Beavers (Condemnee). In addition to the Randy Beavers Insurance Agency owned and operated by Mr. Beavers, he also operated commercial rental space within the Property providing him with an additional income.

This condemnation presents a unique problem in that Georgia law allows for the use of eminent domain only for the portion of the property to be used for the CC-10 Sandy Springs Circle Streetscape Project. In this case the Project taking touched the building forcing the building to come down but, the City was limited to taking only a permanent demolition easement. This caused a scar to the remainder of the Property and put a prime piece of real estate in an unusable situation.

After much discussion, Condemnee has proffered an offer to settle this matter as follows: \$425,000.00 for the fee simple title to the Property (with an appraised value of \$1,300,000.00) and \$437,500.00 for loss/damage to business, for the total of \$862,500.00. This matter is scheduled for a jury trial in mid-August before the Honorable Thomas Cox. It is unknown what the outcome of this trial would be, the City Attorney recommends the City accepts the offer in the total sum of \$862,500.00 for the acquisition of the Property.

If accepted, Condemnee will be paid the sum of \$358,800.00 from the funds originally paid into Court Registry at the time of the taking and the City will make an additional payment of \$503,700.00. The total sum paid for the real property as well as business losses and personal property would be \$862,500.00.



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Payment should be directed to the attorney for Condemnee:

Thomas Harry Camp

The Camp Firm LLC

P.O. Box 2349

Newnan, GA 30264

678-464-1366

Harry@TheCampFirm.com

TIN:



In Re: 135 Mount Vernon Hwy, Sandy Springs, GA, Parcel No: 17-0089-0005-018-5.



Overview



Legend

-  Parcels
-  Roads

Parcel ID	17	Physical Address	135 MOUNT VERNON HWY NW	Last 2 Sales			
Class Code	008900050185	Owner	CITY OF SANDY SPRINGS	Date	Price	Reason	Qual
Taxing	E1		GEORGIA	2/23/2018	0	Sale To/From Government Agency	U
District	59		7840 ROSWELL RD BLDG 500	8/11/2005	\$300000	Valid Sale	Q
Acres	0.241	Assessed Value	SANDY SPRINGS GA 30350				
			\$389,900				

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RESOLUTION NO: _____

**STATE OF GEORGIA
COUNTY OF FULTON**

**A RESOLUTION TO ACCEPT THE PURCHASE OF A FEE SIMPLE INTEREST IN
THE LANDS DESCRIBED AS 135 MOUNT VERNON HIGHWAY, SANDY SPRINGS,
FULTON COUNTY, GEORGIA, PARCEL NO: 17-0089-0005-018-5**

WHEREAS, it is necessary, from time to time, to establish policies, procedures and guidelines consistent with the administration of a municipal government consistent with the US Constitution, Federal Statutes, alignment with Federal, Georgia's State Constitution, and the Charter for the City of Sandy Springs, and

WHEREAS, the City Manager directed the Department of Public Works to develop standard policies for recurring matters, to establish appropriate internal controls and legal compliance, and to provide for an efficient and effective means to serve constituents; and

WHEREAS, in response to the guidance provided by the City Manager, the City Attorney has reviewed and approves the acceptance of an Agreement to Purchase property located at 135 Mount Vernon Highway, Sandy Springs, in Land Lot 89 of the 17th District, Fulton County, City of Sandy Springs, Georgia

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF
THE CITY OF SANDY SPRINGS, GEORGIA**

To facilitate the construction of the CC-10 Sandy Springs Circle Streetscape Project upon the subject property, the City of Sandy Springs approves the acceptance of the Agreement to Purchase on property located in Land Lot 89 of the 17th District, Fulton County, City of Sandy Springs, Georgia.

RESOLVED this _____ day of August, 2019.

APPROVED:

RUSSELL K. PAUL, Mayor

Attest:

Coty Thigpen, City Clerk
(Seal)