



CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council **DATE:** October 25, 2014

FROM: John McDonough, City Manager

AGENDA ITEM: Consideration of the Acceptance of the Dedication of Right of Way as Part of the Zoning Requirements in Connection with a Private Development (593 Lorell Terrace)

MEETING DATE: For Submission onto the November 4, 2014, City Council Regular Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Exhibits
Resolution

CITY MANAGER APPROVAL: JPM

PLACED ON AGENDA FOR: **11/4/2014**

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: SMJ



TO: John McDonough, City Manager

FROM: Garrin M. Coleman, P.E., Public Works Director

DATE: October 23, 2014, for Submission onto the Consent Agenda of the November 4, 2014 Mayor and City Council Meeting

ITEM: Consideration of the Acceptance of a Construction and Drainage Easement as part of the zoning requirements in connection with a private development.

Recommendation:

Staff recommends that the Mayor and City Council accept a construction and drainage easement on a tract or parcel of land lying and located in Land Lot 71 of the 17th District, Fulton County, Georgia. The easement, as shown in the attached exhibits, is being donated by the property owner, Ellen K. Collins, and is more specifically known as being 593 Lorell Terrace. The donated easement is being granted to the City in connection with a private residential development along Glenridge Drive by the Pulte Group.

Background:

The owner is donating the Storm Easement (permanent easement) to the City. The Pulte Group will pay for the installation of the stormwater infrastructure and has a private agreement with Ms. Collins for the temporary easement, including the disturbance and restoration of her property.

Discussion:

The Property Owner is requesting Mayoral signature of the easement where indicated.

Alternatives:

N/A

Financial Impact:

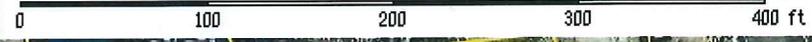
None. This is a donation at no cost to the City. The Pulte Group is compensating the owner.

Attachments:

- I. Exhibits
 - Aerial and GIS Maps
 - Executed Easement including Plat
- II. Resolution



Lakes/Rivers from US Census Dept, may not match parcels exactly

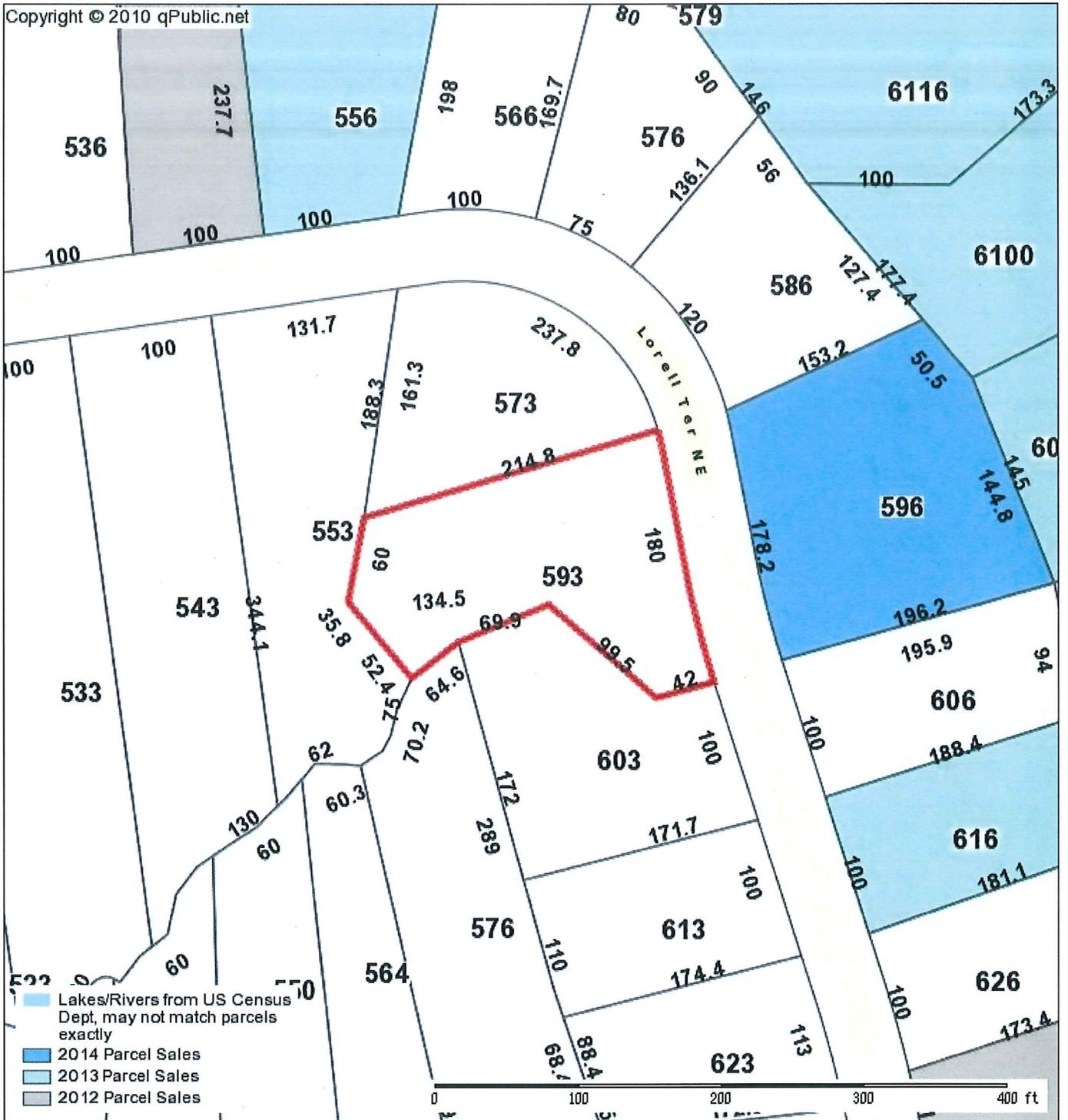


Temporary Construction and Storm Easement

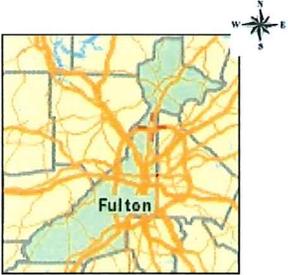
Parcel: 17 007100060192 Acres: 0.5735			
Name:	COLLINS ELLEN K	Land Value:	111000
Site:	593 LORELL TER	Building Value:	142300
Sale:	\$167835 on 1997-07-15 Reason=U Qual=U	Misc Value:	
Mail:	593 LORELL TER NE	Total Value:	253300
	SANDY SPRINGS, GA 30328		



Fulton County makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll.



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 Date printed: 10/16/14 : 12:15:30

PLEASE RETURN TO:
City Clerk's Office
Sandy Springs City Hall
7840 Roswell Road Bldg 500
Sandy Springs, Georgia 30350

~~After recording, please return to:~~

~~Wendy W. Markham, Esq.
McKenna Long & Aldridge, LLP
303 Peachtree Street, NE
Suite 5300
Atlanta, Georgia 30308~~

TEMPORARY CONSTRUCTION AND STORM EASEMENT

THIS TEMPORARY CONSTRUCTION AND STORM EASEMENT (the "Easement") is made and entered into as of this 9th day of OCTOBER, 2014, by **ELLEN K. COLLINS**, an individual resident of the State of Georgia ("Grantor") in favor of the **CITY OF SANDY SPRINGS**, a municipality organized and existing under the laws of the State of Georgia ("Grantee").

WITNESSETH:

WHEREAS, Grantor is the owner of certain property located Fulton County, City of Sandy Springs, Georgia which property has an address of 593 Lorell Terrace and a tax parcel identification number of 17 007100060192 (the "**Grantor Property**"); and

WHEREAS, Grantor has agreed to convey to Grantee an temporary construction easement and a perpetual storm easement over, across and through a portion of the Grantor Property as shown on Exhibit A hereto (the "**Easement Property**") for the development, construction, installation, maintenance, repair, use and operation of storm water drainage facilities on the Easement Property as more particularly set forth herein.

NOW, THEREFORE, for and in consideration of Ten and 00/100 Dollars (\$10.00) in hand paid by Grantee to the Grantor, the mutual promises and covenants herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. **Recitals.** The above recitals are hereby incorporated into and made a substantive part of this Easement.

2. **Grant of Storm Water Easement.** Grantor hereby grants, declares, creates, imposes, establishes and conveys unto Grantee a temporary forty foot (40') construction easement and a perpetual non-exclusive twenty foot (20') storm easement (as such easements are shown on Exhibit A) on, over, across, and through the Easement Property for the sole and exclusive purpose of installing, maintaining, repairing, replacing, operating and using storm water drainage facilities on the Easement Property. Grantee (along with its agents and other parties performing work on behalf of Grantee) shall have the right to develop, construct and install storm water drainage facilities in and on the Easement Property to facilitate the flow of storm water through drainage facilities now or hereafter existing on the Easement Property. Once such storm water drainage facilities have been fully and completely developed, constructed and installed by or on behalf of Grantee, the 40' temporary construction easement shall terminate. Thereafter, Grantee shall have the right to maintain, repair, replace, operate, and use the storm water drainage facilities only in and on the twenty foot (20') storm easement area within the Easement Property.

3. **Grant of Access Easement.** Grantor hereby grants, declares, creates, imposes, establishes and conveys unto Grantee, for the benefit of the public, a perpetual non-exclusive access easement on, over, across, and through the Easement Property for the purpose exercising the easement rights granted to Grantee as described in Section 2 above.

4. **Covenants Running With the Land; Successors and Assigns.** The easements, rights, privileges, restrictions, benefits and obligations hereunder shall be covenants running with the land. This Easement and the easements granted herein shall be binding upon and inure to the benefit of the parties hereto and their respective successors, assigns and successors-in-title.

5. **Notice.** Any notice required or intended to be given to either party under the terms of this Easement shall be in writing and shall be deemed to be duly given on the date it is delivered personally, by overnight courier, or by United States mail. The parties respective address for notice purposes are as follows:

If to Grantor

Ellen K. Collins
596 Lorell Terrace NE
Atlanta, Georgia 30328

If to Grantee:

City of Sandy Springs
7840 Roswell Road
Sandy Springs, Georgia 30350
Attn: _____

6. **Entire Agreement.** This Easement constitutes the entire agreement and understanding between the parties hereto relating to the subject matter hereof and may not be amended, waived or discharged, except by instrument in writing executed by the parties (or their respective successors and assigns).

7. **Governing Law.** This Easement shall be governed in accordance with the laws of the State of Georgia.

8. **Caption and Paragraph Headings.** The captions and paragraph headings set forth herein are for convenience only and are not intended to affect the provisions of this Easement.

[SIGNATURES BEGIN ON NEXT PAGE]

IN WITNESS WHEREOF, the parties hereto have signed and sealed or caused their duly-authorized officers to execute and seal this Easement as of the day and year first written above.

Signed, sealed and delivered
in the presence of:

GRANTOR:

Cassandre L. Kelly
Unofficial Witness

Ellen K. Collins [SEAL]
Ellen K. Collins

Leslie A. DeKle
Notary Public

[NOTARY SEAL]



[SIGNATURES CONTINUED ON NEXT PAGE]

This Easement is executed by Grantee for the sole and exclusive purpose of acknowledging Grantee's acceptance of the easement granted hereby.

Signed, sealed and delivered
in the presence of:

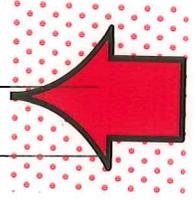
GRANTEE:

City of Sandy Springs

By: _____

Name: _____

Title: _____

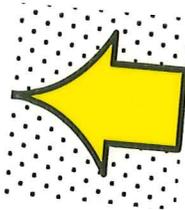


**SIGN
HERE**

Unofficial Witness

Notary Public

[NOTARY SEAL]



NOTARIZE

STATE OF GEORGIA
COUNTY OF FULTON

A RESOLUTION TO ACCEPT THE DONATION OF A TEMPORARY CONSTRUCTION AND DRAINAGE EASEMENT ON PROPERTY LOCATED IN LAND LOT 71 OF THE 17th DISTRICT, FULTON COUNTY, CITY OF SANDY SPRINGS, GEORGIA

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

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

That they approve the acceptance of a Temporary Construction and Storm Easement from Ellen K. Collins, on property more particularly described as 593 Lorell Terrace in Sandy Springs, Georgia.

As required per conditions of zoning and or land development regulation ordinance, the City authorizes the acceptance of the donated Temporary Construction and Drainage Easement at 593 Lorell Terrace in land lot 71 of the 17th District, Fulton County, City of Sandy Springs, Georgia.

RESOLVED this the 4th day of November, 2014.

Approved:

Russell K. Paul, Mayor

Attest:

Michael Casey, City Clerk
(Seal)