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**CITY COUNCIL AGENDA ITEM**

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**TO:** Mayor & City Council

**DATE:** October 1, 2014

**FROM:** John McDonough, City Manager

**AGENDA ITEM:** Public Hearing on Petition for Road and Stormwater Abandonment and Privatization Filed by Highland Valley Court Homeowner's Association

**MEETING DATE:** For Submission onto the October 7, 2014, City Council Regular Meeting Agenda

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

See attached:

Memorandum  
Exhibits

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CITY MANAGER APPROVAL: gm

PLACED ON AGENDA FOR: **10/7/2014**

CITY ATTORNEY APPROVAL REQUIRED: (  ) YES (  ) NO

CITY ATTORNEY APPROVAL: [Signature]



TO: Mayor and Council for the City of Sandy Springs, Georgia

FROM: John McDonough, City Manager

DATE: October 1, 2014 for Submission onto the Agenda of the October 7, 2014 City Council Meeting

ITEM: Public Hearing on Petition for Road and Stormwater Abandonment and Privatization Filed by Highland Valley Court Homeowner's Association.

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**Recommendation:**

The City Manager requests guidance from the Mayor and City Council regarding the Petition for Road and Stormwater Abandonment and Privatization filed by Highland Valley Court Homeowner's Association. The subject property is known as Highland Valley Court, and it is located in Land Lot 133 of the 17<sup>th</sup> District of Fulton County, Georgia.

**Background:**

The City received a Petition for Road and Stormwater Abandonment and a Petition for Roadway Privatization (the "Petition") from the Highland Valley Court Homeowner's Association ("HOA"). The Petition is requesting that the Mayor and Council abandon its interests in the right-of-way known as "Highland Valley Court" and certain stormwater infrastructure in the neighborhood so that the road may be privatized and a gate installed at the entrance to the subdivision. Pursuant to the City's Right-of-Way Policy, the Assistant City Manager sought the direction of the Mayor and Council on this matter at the July 15, 2014 City Council Meeting. At the meeting, the Mayor and Council were informed that City staff had performed an initial assessment and determined that the road qualifies for privatization. The Mayor and Council instructed City staff to move forward with the Petition as directed by the City Manager, and the Petition is now before the Mayor and Council for a public hearing and final approval or denial by the Mayor and Council.

**Discussion:**

If the Mayor and Council decide to approve the Petition, the Right of Way now known as Highland Valley Court would be abandoned and privatized. The HOA would be required to give the City permanent easements as may be required for the entirety of the existing right-of-way and utilities at no cost. The HOA has agreed to execute Indemnification and Maintenance Agreements for the right-of-way and stormwater infrastructure indemnifying the City from all future liability. Additionally, any access control, such as a gate, would be required to conform to all City standards, regulations, processes, and meet emergency access requirements. The access controls would have to conform to City standards as if the road or neighborhood was newly constructed. The City would not be required to make any right-of-way enhancements (including sidewalk, resurfacing, etc.) prior to relinquishing of it, other than routine maintenance work. City staff posted public notice signs at the abandonment site and advertised the abandonment hearing in the legal organ of Fulton County for two consecutive weeks.

The HOA will be required to comply with utility regulations and emergency vehicle access as part of the City's final review and consideration for abandonment. If approved, the appropriate legal documents will be prepared and those which require further approval, if any, will come back to the Mayor and Council.

**Alternatives:**

If the Mayor and Council do not approve the Petition, then the Petition would be denied and the right-of-way and the stormwater infrastructure would remain City property.



**Financial Impact:**

There would be a financial benefit to the City if the right-of-way and the stormwater infrastructure were taken over by the HOA because the HOA would be responsible for all upkeep and maintenance.

**Attachments:**

I. Exhibits

- Petition for Road and Stormwater Abandonment
  - Exhibit A - Plat
- Petition for Roadway Privatization
- Legal Descriptions
- Aerial
- Resolution

PETITION FOR ROAD AND STORMWATER ABANDONMENT

TO: Mayor and City Council of the City of Sandy Springs  
7840 Roswell Road, Building 500, Sandy Springs, Georgia 30350

WHEREAS, the City of Sandy Springs is the owner of easements for road and other purposes with respect to a parcel of land located in Land Lot(s) 133 of the 17<sup>th</sup> District(s), \_\_\_\_\_ Section of Fulton County, Georgia, which is a portion of or connected to a right-of-way now or formally known as HIGHLAND VALLEY CT. where said right-of-way runs between MT. VERNON HWY and HIGHLAND VALLEY CT., as shown on Exhibit "A" attached hereto and incorporated herein; and

WHEREAS, Petitioner is the Highland Valley Court Homeowner's Association, comprised of 100% of the owners in the Highland Valley Court neighborhood, and said members own all of the land abutting said portion of said right-of-way and other land(s) sought to be abandoned herein; and

WHEREAS, Petitioner(s) desire(s) that the Mayor and City Council adopt a resolution pursuant to O.C.G.A. §§ 32-7-1 and 32-7-2 declaring that the City of Sandy Springs abandon its interest in said right-of-way and other land(s) as shown on Exhibit "A"; and

WHEREAS, Petitioner(s) submit(s) that it is in the public interest that said portion of said right-of-way and other land(s) is no longer needed for public road purposes and that said right-of-way and other land(s) should be abandoned; and

WHEREAS, Petitioner(s) submit(s) that it is in the public interest and that said portion of said right-of-way and other land(s) be abandoned and removed from the Sandy Springs road and stormwater systems; and

WHEREAS, Petitioner(s) hereto waive(s) any and all further notice as required by law to which Petitioner(s) are entitled under O.C.G.A. § 32-7-2;

NOW THEREFORE, Petitioner(s) pray(s) as follows:

- 1) That Mayor and City Council of the City of Sandy Springs pass a resolution abandoning said portion of said right-of-way and removing same from the City road system.
- 2) That Mayor and City Council of the City of Sandy Springs pass a resolution abandoning said portion of said stormwater infrastructure and remove same from the City's stormwater responsibilities.
- 3) That the Mayor be authorized to quitclaim said interests to Petitioner(s) as petitioner's interest may appear.

SWORN TO and subscribed before me

this the 4 day of December, 2013

Stephen F. Horgan  
Notary Public



W. Shafton (signature)

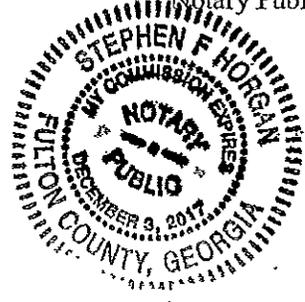
Frederick Shafton (print name)

10 Highland Valley Court  
Sandy Springs, GA. (address)

SWORN TO and subscribed before me

this the 6 day of December, 2013

Stephen F. Horgan  
Notary Public



J. Wasser (signature)

Joan Wasser (print name)

30 Highland Valley Ct  
Atlanta, GA (address)  
30327

SWORN TO and subscribed before me

this the 9 day of December, 2013

Stephen F. Horgan  
Notary Public



[Signature] (signature)

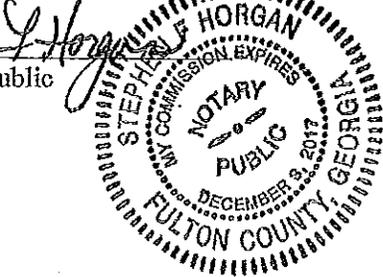
Avon Tanenbaum (print name)

15 Highland Valley Ct.  
Sandy Springs, GA 30327 (address)

SWORN TO and subscribed before me

this the 14 day of December, 2013

Stephen F. Horgan  
Notary Public



T. Park (signature)

Tammi D. Park (print name)

25 Highland Valley Court

Atlanta, GA 30327 (address)

SWORN TO and subscribed before me

this the 17 day of December, 2013

Stephen F. Horgan  
Notary Public



Catherine B. Jordan (signature)

Catherine B. Jordan (print name)

5 Highland Valley Ct.

Atlanta, GA 30327 (address)

SWORN TO and subscribed before me

this the 18 day of December, 2013

Stephen F. Horgan  
Notary Public



Frank H. Harris (signature)

FRANK H. HARRIS (print name)

20 Highland Valley Ct

Atlanta, GA 30327 (address)



City of Sandy Springs Department of Public Works  
C/o Right-of-Way Office  
7840 Roswell Road, Building 500  
Sandy Springs, Georgia 30350  
(770) 730-5600

### PETITION FOR ROADWAY PRIVATIZATION

I, the undersigned, being the owner of real property located at

5 Highland Valley Cir  
in the City of Sandy Springs, in the

Highland Valley  
neighborhood, do hereby petition for privatization of

Highland Valley Court  
so that ownership of the former right-of-way will transfer to the neighborhood home owners' association.

I do hereby pledge and consent to the request for ownership in common of the above listed roadway. The City of Sandy Springs has no maintenance or liability interest in any private road. Maintenance and liability for the roadway will be the sole responsibility of the home owners' association, if privatized.

STEPHEN F. HORGAN  
Print Name (First, Last)

Stephen F. Horgan  
Signature

7.16.13  
Date

\_\_\_\_\_  
Print Name (First, Last)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

We the undersigned, are all the property owners as indicated for the homes on Highland Valley Court in Sandy Springs, Georgia 30327.

We approve the action to make the road private for the purposes of installing a gate at the entrance from Mount Vernon Highway.

Date: 6/25/2013

Frank Harms Frank Harms 20 Highland Valley Ct.

Catherine B. Horgan Catherine Horgan 5 Highland Valley Ct.

Stephen F. Horgan Stephen Horgan 5 Highland Valley Ct.

NOT OWNER ← →

Steve Parker Steve Parker 25 Highland Valley Ct.

Tammi Parker Tammi Parker 25 Highland Valley Ct.

Diane Shaftman Diane Shaftman 10 Highland Valley Ct.

Fred Shaftman Fred Shaftman 10 Highland Valley Ct.

Aaron Tannenbaum Aaron Tannenbaum 15 Highland Valley Ct.

Emily Tannenbaum Emily Tannenbaum 15 Highland Valley Ct.

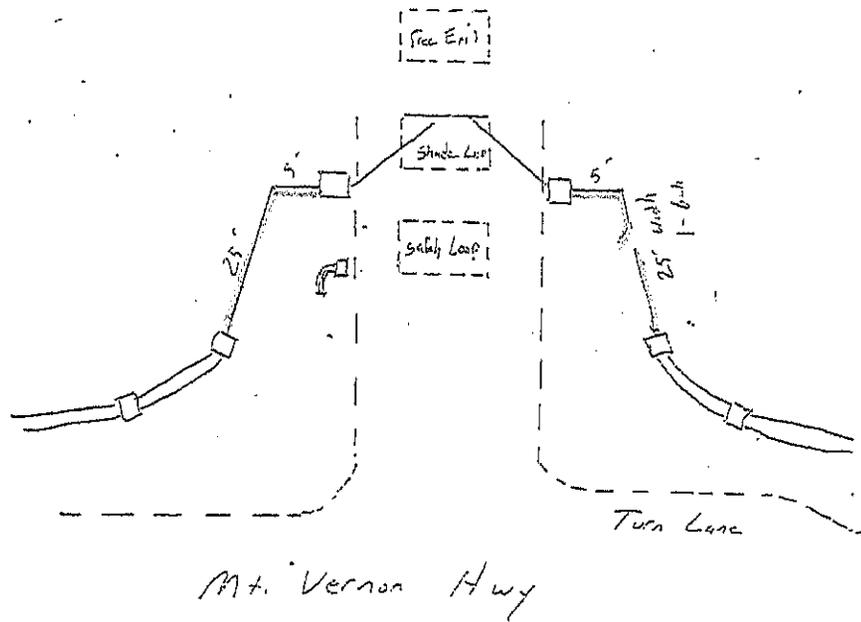
Glen Wasser Glen Wasser 30 Highland Valley Ct.

Joan Wasser Joan Wasser 30 Highland Valley Ct.



Site Plan For Highland Valley HOA

- \* Call Box - 35' from Turn Lane
- \* Gate 12' from Call Box
- \* Iron Fence - Optional



## LEGAL DESCRIPTION HIGHLAND VALLEY COURT RIGHT OF WAY

All that tract or parcel of land lying and being in Land Lot 133 of the 17<sup>th</sup> District of Fulton County, within the limits of the City of Sandy Springs and being more particularly described as follows:

Beginning at a point on the southeasterly right-of-way of Mount Vernon Highway (having a variable right-of-way) which lies 35 feet from the center of said Mount Vernon Highway as it intersects with the radius of the easterly right-of-way of Highland Valley Court (having a 44 foot right-of-way); thence leaving the southeasterly right-of-way of Mount Vernon Highway and running along the easterly right-of-way of Highland Valley Court proceed around a curve to the left having a 20 foot radius for a distance of 35.73 feet and being subtended by a chord of South 06°44'31" West, 31.16 feet to a point; thence continuing along said right-of-way of Highland Valley Court proceed South 44°25'59" East for 3.09 feet to a point; thence continuing along said right-of-way of Highland Valley Court proceed South 44°25'59" East for 81.71 feet to a point; thence continuing along said right-of-way of Highland Valley Court proceed around a curve to the right having a radius of 672.00 feet for a distance of 59.69 feet and being subtended by a chord of South 41°53'18" East, 59.67 feet to a point; thence continuing along said right-of-way of Highland Valley Court proceed South 39°20'37" East, 43.39 feet to a point; thence continuing along said right-of-way of Highland Valley Court proceed around a curve to the left having a radius of 82.01 feet for a distance of 31.73 feet and being subtended by a chord of South 50°25'36" East, 31.53 feet to a point; thence continuing along said right-of-way of Highland Valley Court proceed around a curve to the left having a radius of 25.00 feet for a distance of 33.54 feet and being subtended by a chord of North 80°03'26" East, 31.08 feet to a point; thence continuing along said right-of-way of Highland Valley Court proceed around a curve to the right having a radius of 50.00 feet for a distance of 63.94 feet and being subtended by a chord of North 78°15'26" East, 59.67 feet to a point; thence continuing along said right-of-way of Highland Valley Court proceed around a curve to the right having a radius of 50.00 feet for a distance of 54.10 feet and being subtended by a chord of South 34°06'47" East, 51.50 feet to a point; thence continuing along said right-of-way of Highland Valley Court proceed around a curve to the right having a radius of 50.00 feet for a distance of 55.02 feet and being subtended by a chord of South 28°24'21" West, 52.28 feet to a point; thence continuing along said right-of-way of Highland Valley Court proceed around a curve to the right having a radius of 50.00 feet for a distance of 69.72 feet and being subtended by a chord of North 80°07'24" West, 64.21 feet to a point; thence continuing along said right-of-way of Highland Valley Court proceed around a curve to the left having a radius of 25.00 feet for a distance of 17.00 feet and being subtended by a chord of North 59°36'38" West, 16.68 feet to a point; thence continuing along said right-of-way of Highland Valley Court proceed around a curve to the right having a radius of 126.01 feet for a distance of 14.09 feet and being subtended by a chord of North 75°56'31" West, 14.09 feet to a point; thence continuing along said right-of-way of Highland Valley Court proceed around a

curve to the right having a radius of 126.01 feet for a distance of 73.47 feet and being subtended by a chord of North 56°02'06" West, 72.43 feet to a point; thence continuing along said right-of-way of Highland Valley Court proceed North 39°20'37" West for 25.12 feet to a point; thence continuing along said right-of-way of Highland Valley Court proceed North 39°20'37" West for 18.24 feet to a point; thence continuing along said right-of-way of Highland Valley Court proceed around a curve to the left having a radius of 628.00 feet for a distance of 55.79 feet and being subtended by a chord of North 41°53'18" West, 55.77 feet to a point; thence continuing along said right-of-way of Highland Valley Court proceed North 44°25'59" West for 84.95 feet to a point; thence continuing along said right-of-way of Highland Valley Court proceed around a curve to the left having a radius of 222.00 feet for a distance of 7.53 feet and being subtended by a chord of North 43°27'43" West, 7.53 feet to a point; ; thence continuing along said right-of-way of Highland Valley Court proceed around a curve to the left having a radius of 20.00 feet for a distance of 29.76 feet and being subtended by a chord of North 85°06'57" West, 27.09 feet to a point on the southeasterly right-of-way of Mount Vernon Highway; thence along said southeasterly right-of-way of Mount Vernon Highway proceed North 50°37'34" East for 77.82 feet to a point; thence continuing along said southeasterly right-of-way of Mount Vernon Highway proceed North 57°55'01" East for 8.49 feet returning to the point of beginning. Said parcel is the property known as the right-of-way of Highland Valley Court and contains 20,590 square feet or 0.4727 acres, more or less.

LEGAL DESCRIPTION  
HIGHLAND VALLEY  
PONDS "A & B" & ASSOCIATED  
ACCESS EASEMENTS

All that tract or parcel of land lying and being in Land Lot 133 of the 17<sup>th</sup> District of Fulton County, within the limits of the City of Sandy Springs and being more particularly described as follows:

Being a 20' wide access easement along with the associated landscape buffer and access easements for Ponds "A and B" as shown on the plat of Highland Valley as recorded in Plat Book 204, Pages 89 and 90, of the records of Fulton County. Said Ponds "A and B" and associated easements lie within the confines of Lots 1 and 2 of said subdivision.

LEGAL DESCRIPTION  
HIGHLAND VALLEY  
POND "C" & ASSOCIATED D.E.

All that tract or parcel of land lying and being in Land Lot 133 of the 17<sup>th</sup> District of Fulton County, within the limits of the City of Sandy Springs and being more particularly described as follows:

Being a 30' wide drainage and access easement along with the associated landscape buffer and access easements for Pond "C" as shown on the plat of Highland Valley as recorded in Plat Book 204, Pages 89 and 90, of the records of Fulton County. Said Pond "D" and associated easements lie within the confines of Lots 3 and 4 of said subdivision.

LEGAL DESCRIPTION  
HIGHLAND VALLEY  
POND "D" & ASSOCIATED D.E.

All that tract or parcel of land lying and being in Land Lot 133 of the 17<sup>th</sup> District of Fulton County, within the limits of the City of Sandy Springs and being more particularly described as follows:

Being a 20' wide drainage easement and associated landscape buffer and access easements for Pond "D" as shown on the plat of Highland Valley as recorded in Plat Book 204, Pages 89 and 90, of the records of Fulton County. Said Pond "D" and associated easements lie within the confines of Lots 5, 6 and 7 of said subdivision.



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

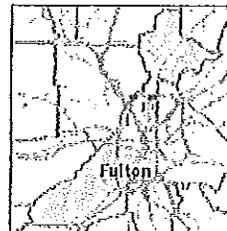
0 140 280 420 560 ft

Fulton County Assessor

Parcel: undefined Acres:

Name:  
Site:  
Sale:  
  
Mail:

Land Value:  
Building Value:  
Misc Value:  
Total Value:



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.

Date printed: 06/26/14 : 14:38:19

**RESOLUTION NO. 2014-10-XX**

**STATE OF GEORGIA  
COUNTY OF FULTON**

**A RESOLUTION TO APPROVE THE PETITION FOR STORMWATER  
ABANDONMENT AND PRIVATIZATION FILED BY  
HIGHLAND VALLEY COURT HOMEOWNER'S ASSOCIATION**

**WHEREAS**, the City has received a Petition for Road and Stormwater Abandonment and Privatization ("Petition") for Right of Way known as Highland Valley Court and Stormwater infrastructure located in Highland Valley Court subdivision, with the subject property being located in Land Lot 133 of the 17<sup>th</sup> District, Fulton County, Georgia, and more particularly described as set forth in the Petition attached hereto; and

**WHEREAS**, the Application includes a petition signed by 100% of the owners directly adjacent to the portion of said Stormwater infrastructure and Right of Way to be abandoned; and

**WHERE**, the City has held a public hearing on the matter, which was advertised by posting a notice sign on the property and advertised in the legal organ of Fulton County for two consecutive weeks prior to the public hearing; and

**WHEREAS**, the Mayor and Council has considered the Application and determined that it is in the City's best interest to abandon said Stormwater infrastructure and Right of Way.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SANDY SPRINGS, GEORGIA:**

That the City of Sandy Springs Mayor and City Council approve the Petition for Road and Stormwater Abandonment, in Land Lot 133 of the 17th District, Fulton County, Georgia, and authorize the City Manager to sign and execute all documents required to facilitate this transaction upon review and final approval of City staff and legal.

**SO RESOLVED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Approved:

Attest:

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

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

(Seal)