



CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council

DATE: September 11, 2014

FROM: John McDonough, City Manager

AGENDA ITEM: Resolution to authorize the City of Sandy Springs, Georgia, to purchase a portion of those certain lots, tracts or parcels of land located at 5899 and 5901 Roswell Road, Sandy Springs, Georgia, Parcel ID: 17-0090-LL-049-3 and 17-0090-LL-048-5

MEETING DATE: For Submission onto the September 16, 2014, City Council Regular Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Resolution

APPROVAL BY CITY MANAGER: BLP APPROVED

PLACED ON AGENDA FOR: **09/16/2014**

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: WLEW



To: Honorable Mayor and City Council Members

From: Wendell K. Willard, City Attorney

Date: September 10, 2014 for Submission onto the September 16, 2014 City Council Agenda

Agenda Item: Resolution to authorize the City of Sandy Springs, Georgia, to purchase, together with all buildings and improvements located thereon, and to take any and all action required to effectuate the acquisition of a portion of those certain lots, tracts or parcels of land located at 5899 and 5901 Roswell Road, Sandy Springs, Fulton County, Georgia, Parcel ID: 17-0090-LL-049-3 and 17-0090-LL-048-5

City Attorney's Recommendation:

The City Attorney recommends that City Council approve the attached resolution.

Background and Discussion:

The City desires to purchase the above-referenced property from the landowner in connection with the City's planned Carpenter Drive re-alignment. Exhibits A – C of the attached resolution illustrate the areas of the property to be acquired by the City. This transaction involves acquisition of a fee simple right-of way, permanent slope easement, and permanent driveway easement. The fee acquisition involves the land under the restaurant building, and the temporary easement is situated along the Carpenter Drive frontage. The driveway easement is to provide access from Carpenter Drive. The parking area is not impacted as a result of the acquisition, beyond the permanent easement.

Remaining after the acquisition will be a single retail building situated on Roswell Road with reduced frontage. Additionally, the drive to the south of the restaurant to Carpenter Drive, which is within the acquisition, is being relocated slightly toward the rear of the site.

The purchase and sale agreement had been negotiated and is in the form attached as Exhibit D to the resolution.

Financial Impact:

The negotiated purchase price for the property is \$1,200,000.00.

Attachment:

Resolution

STATE OF GEORGIA
COUNTY FULTON

A RESOLUTION TO AUTHORIZE THE CITY OF SANDY SPRINGS, GEORGIA, TO PURCHASE, TOGETHER WITH ALL BUILDINGS AND IMPROVEMENTS LOCATED THEREON, AND TO TAKE ANY AND ALL ACTION REQUIRED TO EFFECTUATE THE ACQUISITION OF A PORTION OF THOSE CERTAIN LOTS, TRACTS OR PARCELS OF LAND LOCATED AT 5899 AND 5901 ROSWELL ROAD, SANDY SPRINGS, FULTON COUNTY, GEORGIA, PARCEL ID: 17-0090-LL-049-3 AND 17-0090-LL-048-5

WHEREAS, the City of Sandy Springs (the "City") desires to purchase a portion of those certain lots, tracts or parcels of land, together with all buildings and improvements located at 5899 and 5901 Roswell Road, Sandy Springs, Fulton County, Georgia, Parcel IDs: 17-0090-LL-049-3 and 17-0090-LL-048-5 and as more particularly described in Exhibits A through C attached hereto and incorporated as a part hereof (the "Property"); and

WHEREAS, the City desires to acquire the Property for a purchase price of One Million Two Hundred Thousand Dollars (\$1,200,000) (the "Purchase Price"), which shall help achieve the City's goal for the re-alignment of Carpenter Drive (the "Project"); and

WHEREAS, the City will incur additional expenses in connection with the purchase of the Property including, but not limited to, attorneys' fees, taxes, title insurance, escrow fees, recording fees, discount points, survey charges, mortgage transfer or service fees, engineering inspection fees, environmental assessment fees, or insurance, as a part of the due diligence required by the City in preparation of this acquisition;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Sandy Springs as follows:

1. that the acquisition of that certain interest in the described Property located at 5899 and 5901 Roswell Road, as shown on the attached Exhibits A through C, from the landowner in the amount of One Million Two Hundred Thousand Dollars (\$1,200,000), plus all additional expenses as defined above, is hereby authorized and approved; and
2. that the City Manager and City Attorney are hereby authorized to prepare all documents as may be required to complete this transaction; and
3. that the City Manager is authorized to execute a sale and purchase agreement in substantially the form attached hereto as Exhibit D, as approved by the City Manager and City Attorney, and execute any and all other documents necessary to consummate the purchase and closing of this transaction on behalf of the City.

RESOLVED, this _____ day of September, 2014.

Approved:

Russell K. Paul, Mayor

Attest:

Michael Casey, City Clerk
(Seal)

EXHIBIT A

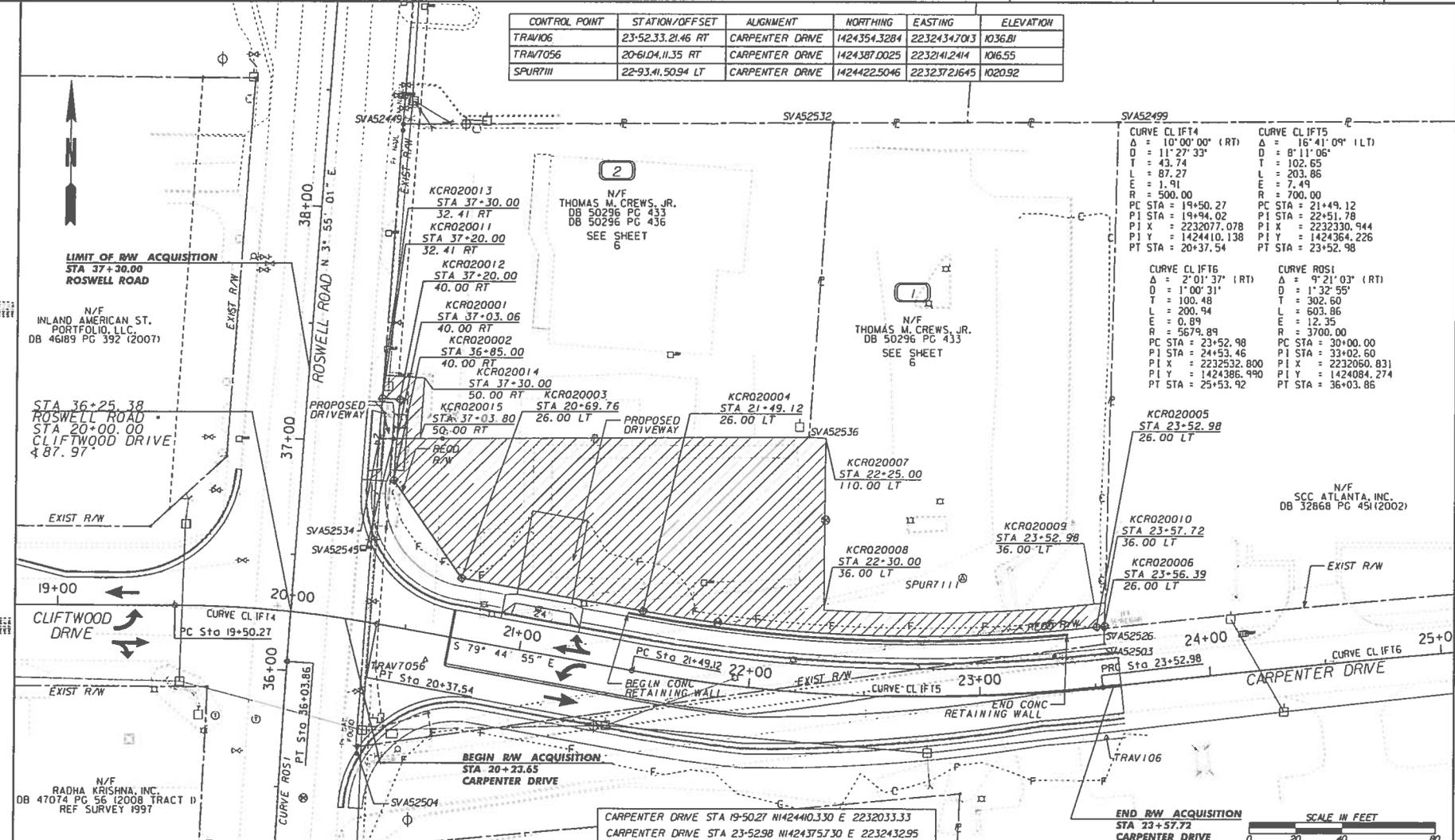
**Plat
5899 and 5901 Roswell Road, Sandy Springs, Georgia**

(Attached)

CONTROL POINT	STATION/OFFSET	ALIGNMENT	NORTHING	EASTING	ELEVATION
TRAV106	23+52.33, 21.46 RT	CARPENTER DRIVE	1424354.3284	223243470K3	1036.81
TRAV7056	20+61.04, 11.35 RT	CARPENTER DRIVE	1424387.0025	2232141.2414	106.55
SPUR7111	22+93.41, 50.94 LT	CARPENTER DRIVE	1424422.5046	2232372.1645	1020.92

CURVE CLIFT4	CURVE CLIFT5
$\Delta = 101^{\circ}00'00" (RT)$	$\Delta = 16^{\circ}41'09" (LT)$
$D = 11^{\circ}27'33"$	$D = 8^{\circ}11'06"$
$T = 43.74$	$T = 102.65$
$L = 87.27$	$L = 203.86$
$E = 1.91$	$E = 7.49$
$R = 500.00$	$R = 700.00$
$PC STA = 19+50.27$	$PC STA = 21+49.12$
$PI STA = 19+94.02$	$PI STA = 22+51.78$
$PT STA = 2232077.078$	$PT STA = 2232330.944$
$PI X = 1424410.138$	$PI Y = 1424364.226$
$PT STA = 20+37.54$	$PT STA = 23+52.98$

CURVE CLIFT6	CURVE ROS1
$\Delta = 2^{\circ}01'37" (RT)$	$\Delta = 9^{\circ}21'03" (RT)$
$D = 1^{\circ}00'31"$	$D = 1^{\circ}32'55"$
$T = 100.48$	$T = 302.60$
$L = 200.94$	$L = 603.86$
$E = 0.89$	$E = 12.35$
$R = 5679.89$	$R = 3700.00$
$PC STA = 23+52.98$	$PC STA = 30+00.00$
$PI STA = 24+53.46$	$PI STA = 33+02.60$
$PT STA = 2232532.800$	$PT STA = 2232060.831$
$PI X = 1424386.990$	$PI Y = 1424084.274$
$PT STA = 25+53.92$	$PT STA = 36+03.86$



PROPERTY AND EXISTING R/W LINE
 REQUIRED R/W LINE
 CONSTRUCTION LIMITS
 EASEMENT FOR CONSTR
 & MAINTENANCE OF SLOPES
 EASEMENT FOR CONSTR OF SLOPES
 EASEMENT FOR CONSTR OF DRIVES

BEGIN LIMIT OF ACCESS
 END LIMIT OF ACCESS
 LIMIT OF ACCESS
 REQ'D R/W AND LIMIT OF ACCESS



DATE	REVISIONS	DATE	REVISIONS

CITY OF SANDY SPRINGS
 DEPARTMENT OF PUBLIC WORKS
 RIGHT OF WAY MAP
 ALTERNATE 2
 COUNTY: FULTON
 LAND LOT NO. 90
 LAND DISTRICT: 17
 DATE: 12/09/13 SH. 5 OF 6



 PARCEL 1 ALTERNATE 2 REO'D R/W KCR02201

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
SV452504	32.30 R	35+69.09	ROSWELL ROAD
SV452534	32.41 R	N 3°53'47" E	ROSWELL ROAD
SV452545	6.11 R	N 89°42'23" E	ROSWELL ROAD
SV452545	38.51 R	37°02.95	ROSWELL ROAD
KCR020001	1.49 R	N 89°42'01" E	ROSWELL ROAD
KCR020002	40.00 R	37°03.06	ROSWELL ROAD
KCR020002	18.06 R	S 3°55'04" W	ROSWELL ROAD
KCR020002	40.00 R	36°85.00	ROSWELL ROAD
KCR020003	51.48 R	S 34°58'14" E	CLIFTWOOD/CARPENTER
KCR020003	26.00 L	20°69.76	CLIFTWOOD/CARPENTER
KCR020004	79.36 L	S 79°44'57" E	CLIFTWOOD/CARPENTER
KCR020004	26.00 L	21°49.12	CLIFTWOOD/CARPENTER
ARC LENGTH	196.288		
CHORD BEAR	S 88°05'29" E		
LNTH CHORD	195.595		
RADIUS	674.000		
DEGREE	8° 30' 3"		
KCR020005	26.00 L	23°52.98	CLIFTWOOD/CARPENTER
ARC LENGTH	3.424		
CHORD BEAR	N 83°34'43" E		
LNTH CHORD	3.424		
RADIUS	5705.888		
DEGREE	1° 0' 14"		
KCR020006	26.00 L	23°56.39	CLIFTWOOD/CARPENTER
DEGREE	1.01	S 1°13'35" W	
SV452526	25.00 L	23°56.26	CLIFTWOOD/CARPENTER
DEGREE	6.66	S 1°13'18" W	
SV452503	18.40 L	23°55.37	CLIFTWOOD/CARPENTER
DEGREE	32.84	S 82°05'20" W	
SV452504	32.30 R	35°69.09	ROSWELL ROAD
REOD R/W	0.280	SF	
REOD R/W	0.280	ACRES	
REMAINDER	-/-	0.920	ACRES

 PARCEL 1 ALTERNATE 2 REO'D TEMP. EASMT. KCTE2201

PNT	OFFSET	STATION	ALIGNMENT
KCR020002	40.00 R	36°85.00	ROSWELL ROAD
KCR020001	40.00 R	37°03.06	ROSWELL ROAD
KCR020015	50.00 R	37°03.80	ROSWELL ROAD
SV452536	109.96 L	22°16.25	CLIFTWOOD/CARPENTER
KCR020007	110.00 L	22°25.00	CLIFTWOOD/CARPENTER
KCR020008	36.00 L	22°30.00	CLIFTWOOD/CARPENTER
ARC LENGTH	116.652		
CHORD BEAR	N 88°35'54" E		
LNTH CHORD	116.502		
RADIUS	664.000		
DEGREE	8° 37' 43"		
KCR020009	36.00 L	23°52.98	CLIFTWOOD/CARPENTER
ARC LENGTH	4.769		
CHORD BEAR	N 83°35'41" E		
LNTH CHORD	4.769		
RADIUS	5715.888		
DEGREE	1° 0' 8"		
KCR020010	36.00 L	23°57.72	CLIFTWOOD/CARPENTER
KCR020006	26.00 L	23°56.39	CLIFTWOOD/CARPENTER
ARC LENGTH	3.424		
CHORD BEAR	S 83°34'43" W		
LNTH CHORD	3.424		
RADIUS	5705.888		
DEGREE	1° 0' 14"		
KCR020005	26.00 L	23°52.98	CLIFTWOOD/CARPENTER
ARC LENGTH	196.288		
CHORD BEAR	N 88°05'29" W		
LNTH CHORD	195.595		
RADIUS	674.000		
DEGREE	8° 30' 3"		
KCR020004	26.00 L	21°49.12	CLIFTWOOD/CARPENTER
KCR020001	26.00 L	20°69.76	CLIFTWOOD/CARPENTER
KCR020002	40.00 R	36°85.00	ROSWELL ROAD
REOD EASMT AREA	13929.84	SF	

 PARCEL 2 ALTERNATE 2 REO'D R/W KCR02202

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
SV452534	32.41 R	37°02.50	ROSWELL ROAD
SV452534	17.50 R	N 3°53'52" E	ROSWELL ROAD
KCR020011	32.41 R	37°20.00	ROSWELL ROAD
KCR020011	7.59 R	S 86°05'13" E	ROSWELL ROAD
KCR020012	40.00 R	37°20.00	ROSWELL ROAD
KCR020012	16.94 R	S 3°54'59" W	ROSWELL ROAD
KCR020001	40.00 R	37°03.06	ROSWELL ROAD
KCR020001	7.61 R	S 89°42'19" W	ROSWELL ROAD
SV452534	32.41 R	37°02.50	ROSWELL ROAD
REOD R/W	130.65	SF	
REOD R/W	0.003	ACRES	
REMAINDER	-/-	0.569	ACRES

 PARCEL 2 ALTERNATE 2 REO'D TEMP. EASMT. KCTE2202

PNT	OFFSET	STATION	ALIGNMENT
KCR020011	32.41 R	37°20.00	ROSWELL ROAD
KCR020013	32.41 R	37°30.00	ROSWELL ROAD
KCR020014	50.00 R	37°30.00	ROSWELL ROAD
KCR020015	50.00 R	37°03.80	ROSWELL ROAD
KCR020001	40.00 R	37°03.06	ROSWELL ROAD
KCR020012	40.00 R	37°20.00	ROSWELL ROAD
KCR020011	32.41 R	37°20.00	ROSWELL ROAD

PROPERTY AND EXISTING R/W LINE ---R---
 REQUIRED R/W LINE ---C---F---
 CONSTRUCTION LIMITS ---C---F---
 EASEMENT FOR CONSTR & MAINTENANCE OF SLOPES [Hatched Box]
 EASEMENT FOR CONSTR OF SLOPES [Hatched Box]
 EASEMENT FOR CONSTR OF DRIVES [Hatched Box]

BEGIN LIMIT OF ACCESS.....BLA
 END LIMIT OF ACCESS.....ELA
 LIMIT OF ACCESS [Hatched Box]
 REO'D R/W AND LIMIT OF ACCESS [Hatched Box]



DATE	REVISIONS	DATE	REVISIONS

CITY OF SANDY SPRINGS
 DEPARTMENT OF PUBLIC WORKS
 RIGHT OF WAY MAP
 ALTERNATE 2
 COUNTY: FULTON
 LAND LOT NO.: 90
 LAND DISTRICT: 17
 DATE: 12/09/13 SH 6 OF 6

EXHIBIT B

**Legal Description
5899 Roswell Road, Sandy Springs, Georgia
Parcel ID: 17-0090-LL-049-3**

(Attached)

PARCEL 1 REQ'D R/W (KCRQ2201)

LAYOUT POINTS FROM CHAIN RQ1001

TO	OFFSET	
POINT	STATION	DISTANCE

	35+69.09	32.30R
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DESCRIPTION OF RQ1001

Running thence N 3°53'47" E a distance of 133.11 feet to a point 32.42 feet right of and opposite station 37+02.50 on said construction centerline laid out for ROSWELL RD; thence N 89°42'34" E a distance of 6.11 feet to a point 38.51 feet right of and opposite station 37+02.95 on said construction centerline laid out for ROSWELL RD; thence N 89°41'33" E a distance of 1.49 feet to a point 40.00 feet right of and opposite station 37+03.06 on said construction centerline laid out for ROSWELL RD; thence S 3°55'04" W a distance of 18.06 feet to a point 40.00 feet right of and opposite station 36+85.00 on said construction centerline laid out for ROSWELL RD; thence S 34°58'14" E a distance of 51.48 feet to a point 26.00 feet left of and opposite station 20+69.76 on said construction centerline laid out for CARPENTER DR; thence S 79°44'56" E a distance of 79.36 feet to a point 26.00 feet left of and opposite station 21+49.12 on said construction centerline laid out for CARPENTER DR; thence southeasterly 196.290 feet along the arc of a curve (said curve having a radius of 674.000 feet and a chord distance of 195.597 feet on a bearing of S 88°05'29" E) to the point 26.00 feet left of and opposite station 23+52.98 on said construction centerline laid out for CARPENTER DR; thence northeasterly 3.424 feet along the arc of a curve (said curve having a radius of 5705.888 feet and a chord distance of 3.424 feet on a bearing of N 83°34'43" E) to the point 26.00 feet left of and opposite station 23+56.39 on said construction centerline laid out for CARPENTER DR; thence S 1°18'21" W a distance of 1.01 feet to a point 25.00 feet left of and opposite station 23+56.26 on said construction centerline laid out for CARPENTER DR; thence S 1°12'47" W a distance of 6.66 feet to a point 18.40 feet left of and opposite station 23+55.38 on said construction centerline laid out for CARPENTER DR; thence S 82°05'19" W a distance of 324.83 feet back to the point of beginning.

Containing 0.280 acres more or less.

PARCEL 1 REQ'D TEMP. EASM'T (KCTE2201)

LAYOUT POINTS FROM CHAIN PE1001

TO	OFFSET	
POINT	STATION	DISTANCE

36+85.00 40.00R

DESCRIPTION OF PE1001

Running thence N 3°55'04" E a distance of 18.06 feet to a point 40.00 feet right of and opposite station 37+03.06 on said construction centerline laid out for ROSWELL RD; thence N 89°42'23" E a distance of 177.39 feet to a point 109.96 feet left of and opposite station 22+16.25 on said construction centerline laid out for CARPENTER DR; thence S 85°53'12" E a distance of 7.37 feet to a point 110.00 feet left of and opposite station 22+25.00 on said construction centerline laid out for CARPENTER DR; thence S 0°22'21" W a distance of 74.14 feet to a point 36.00 feet left of and opposite station 22+30.00 on said construction centerline laid out for CARPENTER DR; thence northeasterly 116.652 feet along the arc of a curve (said curve having a radius of 664.000 feet and a chord distance of 116.502 feet on a bearing of N 88°35'54" E) to the point 36.00 feet left of and opposite station 23+52.98 on said construction centerline laid out for CARPENTER DR; thence northeasterly 4.769 feet along the arc of a curve (said curve having a radius of 5715.888 feet and a chord distance of 4.769 feet on a bearing of N 83°35'41" E) to the point 36.00 feet left of and opposite station 23+57.72 on said construction centerline laid out for CARPENTER DR; thence S 1°13'16" W a distance of 10.09 feet to a point 26.00 feet left of and opposite station 23+56.39 on said construction centerline laid out for CARPENTER DR; thence southwesterly 3.424 feet along the arc of a curve (said curve having a radius of 5705.888 feet and a chord distance of 3.424 feet on a bearing of S 83°34'43" W) to the point 26.00 feet left of and opposite station 23+52.98 on said construction centerline laid out for CARPENTER DR; thence northwesterly 196.290 feet along the arc of a curve (said curve having a radius of 674.000 feet and a chord distance of 195.597 feet on a bearing of N 88°05'29" W) to the point 26.00 feet left of and opposite station 21+49.12 on said construction centerline laid out for CARPENTER DR; thence N 79°44'56" W a distance of 79.36 feet to a point 26.00 feet left of and opposite station 20+69.76 on said construction centerline laid out for CARPENTER DR; thence N 34°58'14" W a distance of 51.48 feet back to the point of beginning.

Containing 0.320 acres more or less.

EXHIBIT C

**Legal Description
5901 Roswell Road, Sandy Springs, Georgia
Parcel ID: 17-0090-LL-048-5**

(Attached)

PARCEL 2 REQ'D TEMP. EASM'T (KCTE2202)

LAYOUT POINTS FROM CHAIN PE2001

TO OFFSET

POINT STATION DISTANCE

 37+03.06 40.00R

DESCRIPTION OF PE2001

Running thence N 3°54'59" E a distance of 16.94 feet to a point 40.00 feet right of and opposite station 37+20.00 on said construction centerline laid out for ROSWELL RD; thence N 86°05'13" W a distance of 7.59 feet to a point 32.41 feet right of and opposite station 37+20.00 on said construction centerline laid out for ROSWELL RD; thence N 3°53'57" E a distance of 10.00 feet to a point 32.41 feet right of and opposite station 37+30.00 on said construction centerline laid out for ROSWELL RD; thence S 86°04'57" E a distance of 17.59 feet to a point 50.00 feet right of and opposite station 37+30.00 on said construction centerline laid out for ROSWELL RD; thence S 3°55'01" W a distance of 26.20 feet to a point 50.00 feet right of and opposite station 37+03.80 on said construction centerline laid out for ROSWELL RD; thence S 89°42'31" W a distance of 10.03 feet back to the point of beginning.

Containing 0.008 acres more or less.

PARCEL 2 REQ'D R/W (KCRQ2202)

LAYOUT POINTS FROM CHAIN RQ2001

TO OFFSET
POINT STATION DISTANCE

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37+02.50 32.42R

DESCRIPTION OF RQ2001

Running thence N 3°53'47" E a distance of 17.50 feet to a point 32.41 feet right of and opposite station 37+20.00 on said construction centerline laid out for ROSWELL RD; thence S 86°05'13" E a distance of 7.59 feet to a point 40.00 feet right of and opposite station 37+20.00 on said construction centerline laid out for ROSWELL RD; thence S 3°54'59" W a distance of 16.94 feet to a point 40.00 feet right of and opposite station 37+03.06 on said construction centerline laid out for ROSWELL RD; thence S 89°41'33" W a distance of 1.49 feet to a point 38.51 feet right of and opposite station 37+02.95 on said construction centerline laid out for ROSWELL RD; thence S 89°42'34" W a distance of 6.11 feet back to the point of beginning.

Containing 0.003 acres more or less.

EXHIBIT D

Purchase and Sale Agreement

(Attached)