



CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council

DATE: August 14, 2014

FROM: John McDonough, City Manager

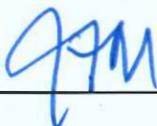
AGENDA ITEM: Public Comment on the Application to Obtain Abandonment of Right of Way of Sandy Springs Circle (a/k/a Allen Court) filed by JW Homes, LLC

MEETING DATE: For Submission onto the August 19, 2014, City Council Regular Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Exhibits

APPROVAL BY CITY MANAGER:  APPROVED

PLACED ON AGENDA FOR: 08/19/2014

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: 

REMARKS:



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

FROM: John McDonough, City Manager

DATE: August 12, 2014, for submission onto the August 19, 2014 Mayor and City Council Meeting Agenda

ITEM: Public Comment on the Application to Obtain Abandonment of Right of Way of Sandy Springs Circle (a/k/a Allen Court) filed by JW Homes, LLC

Recommendation:

The City Manager requests guidance from the Mayor and City Council regarding the Application and Affidavit to Obtain Abandonment of Right of Way ("Application") along Sandy Springs Circle (a/k/a Allen Court) of approximately 0.141 acres of excess Right of Way adjacent to the Applicant's property of which they are under contract to purchase. The subject property is located in Land Lot 90 of the 17th District of Fulton County, Georgia.

Background:

The City received the Application from JW Homes, LLC ("Applicant") requesting that the City abandon its interest in the Right of Way on a portion of Sandy Springs Circle (a/k/a Allen Court). Pursuant to the City's Right of Way Policy, the Assistant City Manager sought the direction of the Mayor and Council on this Application. At the July 15, 2014 Council meeting, the Mayor and Council were informed that City staff had performed an initial assessment of the Applications and determined that it was in the City's interest to abandon said Right of Way. The Mayor and City Council instructed City staff to preliminarily move forward with the Application request as directed by the City Manager, and the Application is now before the Mayor and Council for a public hearing and final approval or denial by the Mayor and Council.

Discussion:

Once the Mayor and City Council authorized City staff to move forward with the abandonment process at the July 15, 2014 City Council meeting, 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 Application is now before the Mayor and Council for a public hearing. If the Mayor and Council decide to approve the Application, then a portion of the Right of Way known along Sandy Springs Circle (a/k/a Allen Court) will be abandoned by the City. The City would not be required to make any Right of Way enhancements prior to relinquishing it, other than routine maintenance work.

Alternatives:

If the Mayor and City Council elect not to approve the application, the Applicant likely will not move forward with their planned development along Allen Road and Sandy Springs Circle.

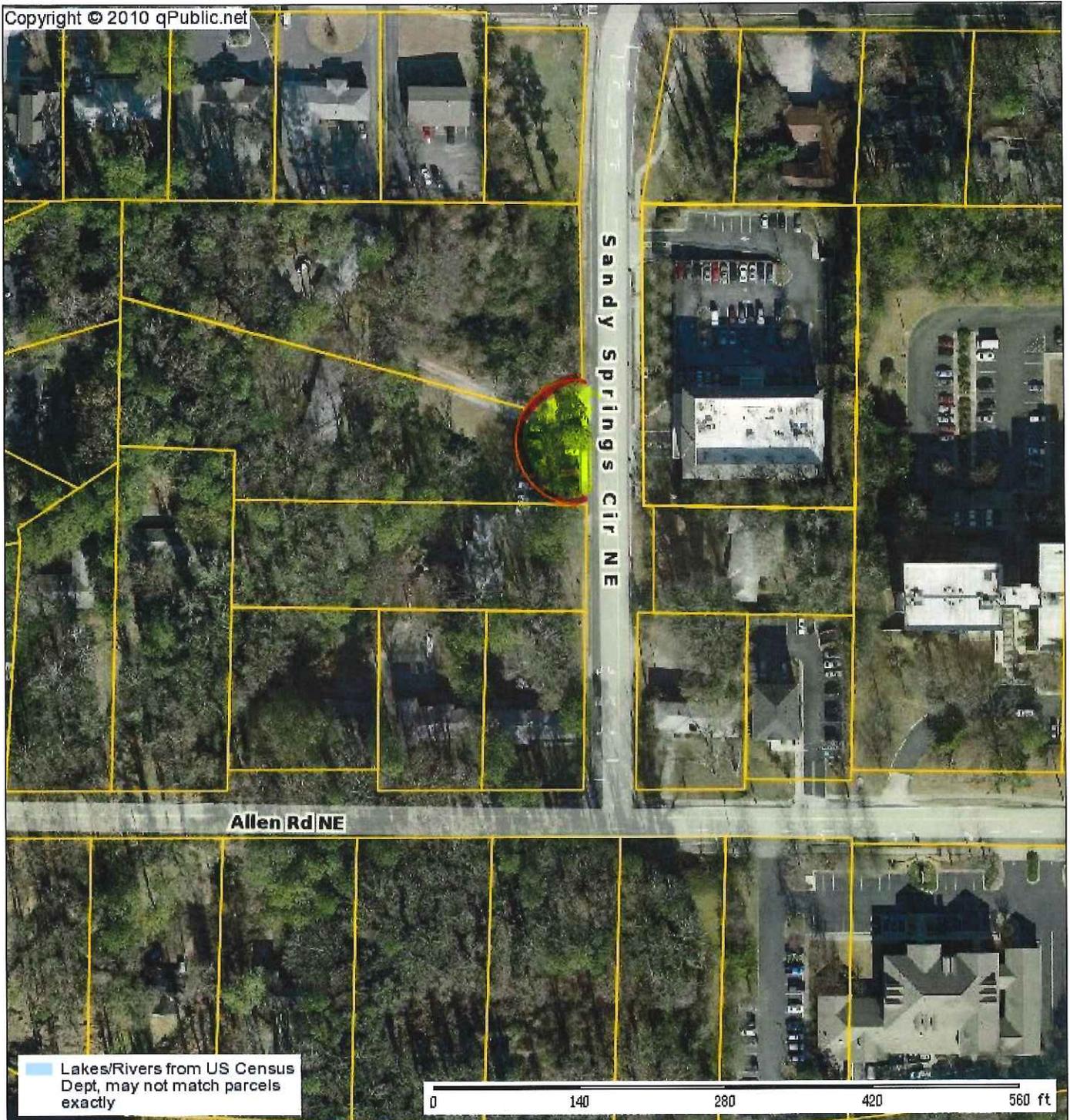
Financial Impact:

There would be a financial benefit in the form of additional property tax revenue to the City if the portion of Sandy Springs Circle (a/k/a Allen Court) right-of-way is abandoned and furthermore developed as part of an 88 unit single family and townhome residences.

Attachments:

Exhibits

- Aerial and GIS Maps
- Application including Plats and Legal Descriptions and Signed Petitions, etc.
- Resolution



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

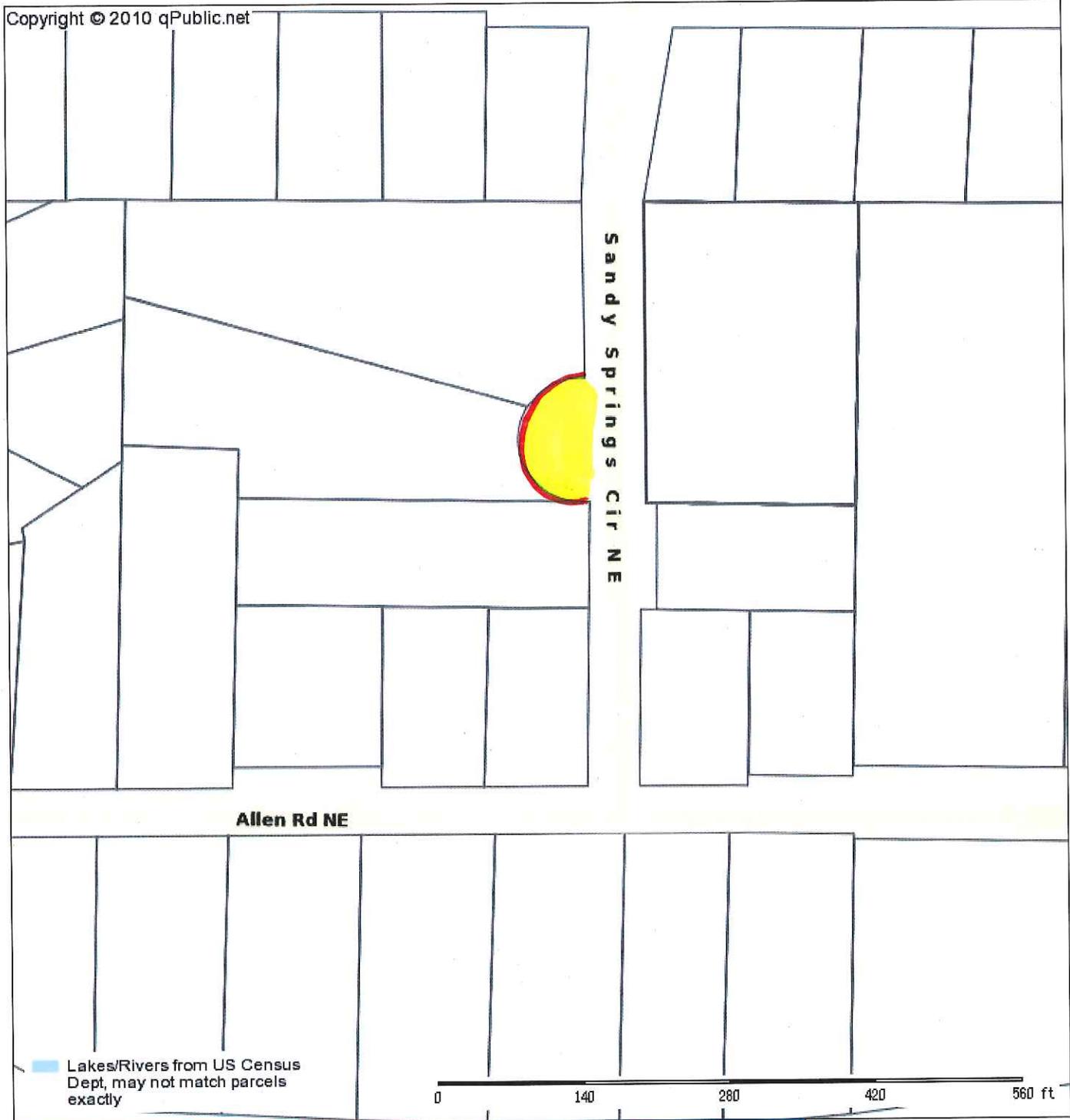


JW HOMES, LLC ROW ABANDONMENT REQUEST / SANDY SPRINGS CIRCLE

Parcel: undefined Acres:	
Name:	Land Value:
Site:	Building Value:
Sale:	Misc Value:
Mail:	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: 08/12/14 : 11:51:05



JW HOMES, LLC ROW ABANDONMENT REQUEST / SANDY SPRINGS CIRCLE

Parcel: undefined Acres:

Name:

Land Value:

Site:

Building Value:

Sale:

Misc Value:

Mail:

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: 08/12/14 : 11:51:43

**STATE OF GEORGIA
FULTON COUNTY**

APPLICATION AND AFFIDAVIT TO OBTAIN ABANDONMENT OF RIGHT-OF-WAY

COMES NOW, JW Homes, LLC the undersigned applicant, and makes the following affidavit and application to the City of Sandy Springs, Georgia ("Sandy Springs"). All facts contained herein are made under oath and notarized and the applicant, having been duly sworn under oath, states as follows:

1.

The applicant is the contract purchaser of the property set forth in the attached exhibit and has obtained consent for this application from the owners of the property set forth in the attached vesting deeds and adjoining the right-of-way of Sandy Springs Circle as shown on the attached survey.

2.

The applicant is requesting that the right-of-way of Sandy Springs Circle be abandoned for the following reasons: The ROW will become part of the proposed 88 lot residential development currently named "Allen Road Tract."

3.

In the event the right-of-way is abandoned by Sandy Springs, such abandonment will not adversely affect any party in the immediate surrounding area and applicant states under oath that applicant knows of no party who would be left landlocked, in a hardship condition, or who objects to this abandonment.

4.

Applicant states that any other parties with any potential or actual interest in the right-of-way have been notified by sending such person a copy of this affidavit.

5.

The history of the right-of-way, from its construction and dedication, through all its recorded owners till the present, is as follows: (year dedicated either by plat or deed, currently being used by which landowners, etc., submit copies of any recorded plats or deeds.)

Allen Court also known as Sandy Springs Circle was acquired by the Developer prior to the subdivision of the acreage into property known as "Sub'd of J.H. Chatham." The road was constructed in connection with the subdivision and first appears on the subdivision plat being "Sub'd of J.H. Chatham," recorded at Plat Book 61, page 93, Fulton County, Georgia records. The dates of approval appear to be between January 15 and February 4, 1958 with the plat being recorded of record on February 14, 1958. No separate deed for said right-of-way nor a recordation of the plat has been found of record

which indicates that said right-of-way has been in continuous use from 1958 until the date of this application.

6.

The physical condition of the right-of-way as of the date of this application is as follows: (state whether paved, overgrown with trees, or whether there is any physical evidence of use): R.O.W. has an existing driveway to 2 private residences and a portion of a parking lot.

7.

Applicant hereby agrees to hold Sandy Springs harmless from any and all responsibility, liability or damage of any type whatsoever regarding the abandonment of the City's interest in said right-of-way. It is understood by the applicant that applicant is not entitled to any abandonment as a matter of right, but only upon the terms and conditions as contained in this affidavit. Applicant hereby agrees The MCC may elect to sell the abandoned rights-of-way at its fair market value. The final decision regarding the disposition of the right-of-way abandonment will be made by the Sandy Springs MCC.

8.

Applicant agrees to furnish Sandy Springs, Georgia with a plat of survey, not more than ninety (90) days old, showing the location of the current right-of-way, the boundary lines of applicant's property, and the area of rights-of-way to be abandoned, as well as identify all utilities and drainage structures, pipes and ditches within the area of the subject right-of-way. Further, applicant agrees to record in the records of the Clerk of Fulton Superior Court, Atlanta, Georgia the original quitclaim deed and boundary survey depicting the abandoned right-of-way, within forty-eight (48) hours following the granting of any abandonment of such right-of-way.

9.

In the event the abandonment is granted, applicant consents to the fact that thereafter the City shall not be required to reinstall, construct, or otherwise expend City funds to improve subject abandoned right-of-way.

10.

Applicant shows that, if the abandonment is granted, applicant's proposed use of caption property after the abandonment is as follows: To be a portion of the entrance of the proposed 88 lot development currently named "Allen Road Tract."

11.

In the event of abandonment of subject right-of-way, Sandy Springs specifically retains any and all easements for drainage, utility or purposes other than roadway purposes which may exist over, under, through, or across the subject right-of-way. Any release of private easement rights or easement rights other than those of Sandy Springs, i.e. utility companies, must be released by that easement holder.

12.

Applicant shall submit with this document a fee of one hundred fifty dollars (\$150.00) for the processing of this application, along with a copy of the owner's vesting deed, survey of the proposed abandonment, and copy of any development plans for the property.

13.

Applicant agrees that a misrepresentation or inaccuracy, either intentional or accidental, made by applicant in this application of procedure shall authorize the City to terminate the processing of this application or, if such shall be discovered after this application has been approved by the City of Sandy Springs MCC, then such approval shall be subject to revocation by the MCC.

14.

Applicant agrees that the City of Sandy Springs is not required to abandon the subject right-of-way, and the decision for approval or denial of this application shall be made within ninety (90) days of this application being filed with the City Clerk. The applicant shall be notified in writing of the date of any public hearing and MCC decision concerning the subject right-of-way within three (3) business days prior to the hearing and/or MCC meeting.

This 20th day of May, 2014

Signed, sealed and delivered in the

Presence of:



Notary Public
(SEAL)

APPLICANT: JW Homes, LLC


Bryan Musolf, Vice President of Land Acquisitions

Address: 4125 Atlanta Road, Smyrna, GA 30080

Phone Number: 770-703-1654

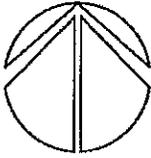
TRENEILL SMITH
Notary Public State of Georgia
My commission expires 5th Day of June 2017

ATTACHMENTS

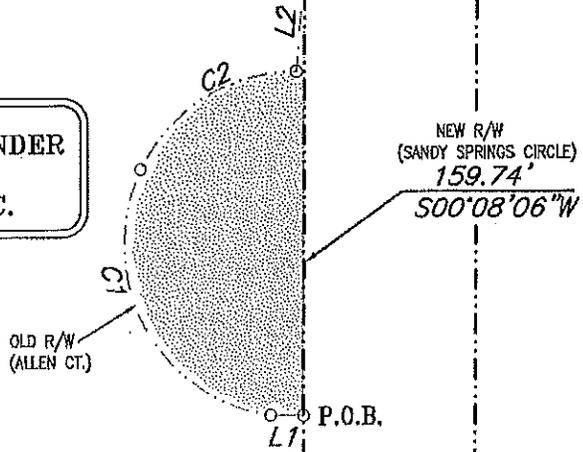
- Survey depicting area of right-of-way requested to be abandoned (Exhibit A)
- Metes and bounds legal description of area requested to be abandoned (Exhibit B)
- Copy of applicant's deed vesting title (Exhibit C)
- Copies of letters of consent from all adjoining landowners and other interested parties, if applicable (Exhibit D)
- Copy of right-of-way dedication plats or deeds, if applicable (Exhibit E)
- Attorney's title certificate documenting the history of the R/W through all of its recorded owners to present (Exhibit F)
- Processing fee

Exhibit A

Survey depicting area of right-of-way requested to be abandoned



**ROW REMAINDER
AREA:
0.141 AC.**



**SANDY SPRINGS CIRCLE
(60' R/W)
A.K.A. ALLEN COURT
(50' R/W)**

LINE CHART

LINE	BEARING	DISTANCE
L1	N89°28'59\"W	11.50'
L2	N04°15'46\"E	40.30'

CURVE CHART

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	60.00'	112.90'	98.97'	N28°16'12\"W
C2	60.00'	68.11'	64.51'	N58°09'35\"E

**ALLEN ROAD
(R/W VARIES)**



JOB NO: 13-1102
DRAWN BY: MP
CHECKED BY: JCW
SCALE: 1"= 50'
DATE: 04-11-2014

**EXHIBIT
(RIGHT OF WAY
REMAINDER OF
ALLEN CT.)**

SURVEY FOR:

**ALLEN
ROAD**

LAND LOT: 90
17TH DISTRICT
FULTON COUNTY
GEORGIA

MDA
McFARLAND-DYER
& ASSOCIATES

4174 SILVER PEAK PARKWAY
SUWANEE, GEORGIA 30024
PHONE (770) 932-6550
FAX (770) 932-6551
WWW.COMIDANET

Exhibit B

Metes and bounds legal description of area requested to be abandoned

Legal Description

ALL THAT TRACT OR PARCEL OF land lying and being in Land Lot 90, 17th District, Fulton County, Georgia, being more particularly described as follows:

BEGINNING at the northwestern intersection of the right of way of Allen Road (right of way varies) and the right of way of Sandy Springs Circle (60 feet right of way) a.k.a. Allen Court (50 feet right of way); thence along the right of way of Sandy Springs Circle North 00°08'06" East, a distance of 277.48 to a point, that is the **POINT OF BEGINNING**; thence leaving said right of way North 89°26'59" West, a distance of 11.50 feet to a point; thence 112.90 feet along a curve to the right, said curve having a chord of North 28°16'12" West 96.97 feet and a radius of 60.00 feet to a point; thence 68.11 feet along a curve to the right, said curve having a chord of North 58°09'35" East 64.51 feet and a radius of 60.00 feet to a point; thence North 04°15'46" East, a distance of 40.30 feet to a point located on the right of way of Sandy Springs Circle; thence along said right of way South 00°08'06" West, a distance of 159.74 feet to a point, being the **POINT OF BEGINNING**. Said tract contains 0.141 Acres.

Exhibit C

Copy of applicant's deed vesting title (Current Owner's Vesting Deeds)

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

5840 Allen Court Ventures, L.L.P

By: *Tyler C. Dixon*
Tyler C. Dixon, General Partner

Signed, sealed and delivered in the presence of:

R. M. Wright
Witness

Jon Lee Andersen
Notary Public



RFA, Inc., General Partner

By: *Roger F. Arndt*
Roger F. Arndt, President

Signed, sealed and delivered in the presence of:

R. M. Wright
Witness

Jon Lee Andersen
Notary Public



Deed Book 34196 Pg 4
Juanita Hicks
Clerk of Superior Court
Fulton County, Georgia
I HAVE FOR THE HONORABLE CLERK OF SUPERIOR COURT FOR FULTON COUNTY, GEORGIA

Deed Book 50762 Pg 246
Filed and Recorded Jan-04-2012 03:10pm
2012-0001595
Real Estate Transfer Tax \$560.00
Cathelene Robinson
Clerk of Superior Court
Fulton County, Georgia

Return to ^{59424.08}
Trinity Title Ins. Agency
437 E. Ponce De Leon Ave.
Decatur, GA 30030-1938

~~After recording return to:~~
First American Title Insurance Company
Six Concourse Parkway
Suite 2000
~~Atlanta, GA 30328~~
Attn: Brenda Sollenberger

COUNTY OF FULTON)
STATE OF GEORGIA)

QUITCLAIM DEED

THIS INDENTURE, made as of the 30th day of December, 2011, between SYNOVUS BANK, formerly known as Columbus Bank and Trust Company, as successor in interest through name change and by merger with Bank of North Georgia (hereinafter called "Grantor"), and IPI GLOBAL, LLC, a Georgia limited liability company (hereinafter called "Grantee").

WITNESSETH, Grantor for and in consideration of the sum of TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, cash in hand paid, the receipt of which is hereby acknowledged, has bargained, sold and does by these presents bargain, sell, remise, release, and forever quitclaim to Grantee all the right, title, interest, claim or demand which Grantor has or may have had in and to all that tract of land, if any, described on Exhibit A, attached hereto and made a part hereof.

Together with all the rights, members and appurtenances to the said described premises in anywise appertaining or belonging.

TO HAVE AND TO HOLD the said described premises unto Grantee, so that neither Grantor nor any other person or persons claiming under Grantor shall at any time, claim or demand any right, title or interest to the aforesaid described premises or its appurtenances.

(The words "Grantor" and "Grantee" include all genders, plural and singular, and their respective heirs, successors and assigns where the context permits.)

IN WITNESS WHEREOF, Grantor has signed and sealed this quitclaim deed, the day and year above written.

[Signature appears on following page]

IN WITNESS WHEREOF, Grantor has signed and sealed this Quitclaim Deed on the day and year first above written.

Signed, sealed and delivered
in the presence of:

Cheryl Bellis
Unofficial Witness

Diane Haeger
Notary Public

GRANTOR:

SYNOVUS BANK, a Georgia bank

By: J. Sumner, Jr.
Joseph Sumner, Jr., Vice President

(NOTARY SEAL)

[Bank Seal]

My Commission Expires:



EXHIBIT "A"

Legal Description

TRACT 1:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 90 OF THE 17TH DISTRICT, FULTON COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED ON THE NORTHERN SIDE OF ALLEN ROAD, 600 FEET EAST, AS MEASURED ALONG THE NORTHERN SIDE OF ALLEN ROAD FROM THE POINT FORMED BY THE INTERSECTION OF THE NORTHERN SIDE OF ALLEN ROAD WITH THE EASTERN SIDE OF LAKE FOREST ROAD AND RUNNING THENCE IN AN EASTERLY DIRECTION ALONG THE NORTHERN SIDE OF ALLEN ROAD, 100 FEET TO AN IRON PIN; RUNNING THENCE IN A NORTHERLY DIRECTION AT AN INTERIOR ANGLE OF 90 DEGREES, 31 MINUTES WITH THE PRECEDING LINE, 319.1 FEET TO AN IRON PIN; RUNNING THENCE SOUTHWESTERLY, 118.2 FEET TO AN IRON PIN; RUNNING THENCE IN A SOUTHERN DIRECTION, 246.6 FEET TO AN IRON PIN LOCATED ON THE NORTHERN SIDE OF ALLEN ROAD AND THE POINT OF BEGINNING, AS SHOWN ON SURVEY FOR R. L. BLAND, DATED AUGUST 9, 1983, AND MADE BY A. S. GIOMETTI, GEORGIA REGISTERED LAND SURVEYOR NO. 1125.

PLUS,

TRACT 2:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 90 OF THE 17TH DISTRICT, FULTON COUNTY, GEORGIA, BEING LOT 6 OF SUBDIVISION OF J. H. CHATHAM PROPERTY AS PER PLAT RECORDED IN PLAT BOOK 61, PAGE 93, FULTON COUNTY RECORDS, WHICH PLAT IS INCORPORATED HEREIN BY REFERENCE.

BEGINNING AT A POINT ON THE NORTH SIDE OF ALLEN ROAD, THREE HUNDRED FORTY (340) FEET WEST FROM THE NORTHWEST CORNER OF ALLEN ROAD AND ALLEN COURT (SAID POINT OF BEGINNING BEING AT THE SOUTHWEST CORNER OF LOT 5, OF SAID SUBDIVISION) AND RUNNING THENCE WEST, ALONG THE NORTH SIDE OF ALLEN ROAD, ONE HUNDRED TEN (110) FEET TO A POINT; RUNNING THENCE NORTH, THREE HUNDRED TWENTY-NINE (329) FEET TO A POINT ON THE SOUTH LINE OF LOT 8; RUNNING THENCE EAST ONE HUNDRED EIGHT AND TWO TENTHS (108.2) FEET TO A POINT; WITH THE LAST PRECEDING COURSE, SOUTH THREE

HUNDRED THIRTY (330) FEET TO THE NORTH SIDE OF ALLEN ROAD AND THE POINT OF BEGINNING.

PLUS,

TRACT 3:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 90 OF THE 17TH DISTRICT OF FULTON COUNTY, GEORGIA, BEING LOT 5, "SUBDIVISION OF J. H. CHATHAM", AS SHOWN ON PLAT RECORDED IN PLAT BOOK 61, PAGE 15, FULTON COUNTY, RECORDS, WHICH PLAT IS INCORPORATED HEREIN BY REFERENCE AND MADE A PART HEREOF.

PLUS,

TRACT 4:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 90 OF THE 17TH DISTRICT, FULTON COUNTY, GEORGIA, BEING LOT 4, AS SHOWN ON PLAT OF SUBDIVISION OF PROPERTY OF J. H. CHATHAM, MADE BY C. E. ABERCROMBIE, REF. NO. 879, DATED OCTOBER 23, 1957, RECORDED IN PLAT BOOK 61, PAGE 15, FULTON COUNTY RECORDS, TO WHICH PLAT IS REFERRED FOR A MORE COMPLETE DESCRIPTION.

PLUS,

TRACT 5:

ALL THAT TRACT OR PARCEL OF LAND SITUATE, LYING AND BEING IN LAND LOT 90 OF THE 17TH DISTRICT OF FULTON COUNTY, BEING LOT 3 ACCORDING TO PLAT OF SUBDIVISION OF THE PROPERTY OF J. H. CHATHAM AS MADE BY C. E. ABERCROMBIE, OCTOBER 23, 1957, AS RECORDED IN PLAT BOOK 61, PAGE 15, FULTON COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH SIDE OF ALLEN ROAD TWELVE HUNDRED SEVEN (1,207) FEET WEST AS MEASURED ALONG THE NORTH SIDE OF ALLEN ROAD FROM THE NORTHWEST CORNER OF ALLEN ROAD AND ROSWELL ROAD; SAID POINT ALSO BEING AT THE NORTHWEST CORNER OF ALLEN ROAD AND ALLEN COURT; RUNNING THENCE WEST ALONG THE NORTH SIDE OF ALLEN ROAD ONE HUNDRED (100) FEET TO THE SOUTHEAST CORNER OF LOT 4 AS SHOWN ON SAID PLAT; THENCE NORTH ALONG THE EAST LINE OF

SAID LOT 4 A DISTANCE OF ONE HUNDRED EIGHTY (180) FEET, TO THE NORTHEAST CORNER THEREOF; THENCE EAST ONE HUNDRED (100) FEET TO THE WEST SIDE OF ALLEN COURT; THENCE SOUTH ALONG THE WEST SIDE OF ALLEN COURT ONE HUNDRED EIGHTY (180) FEET TO THE NORTH SIDE OF ALLEN ROAD AT THE POINT OF BEGINNING.

PLUS,

TRACT 6:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 90 OF THE 17TH DISTRICT, FULTON COUNTY, GEORGIA, BEING KNOWN AS LOT 7 OF J. H. CHATHAM SUBDIVISION AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF ALLEN COURT, BASED UPON A 50-FOOT RIGHT-OF-WAY AND ALLEN ROAD AS PRESENTLY SITUATE; RUNNING THENCE NORTHERLY ALONG THE WESTERLY RIGHT-OF-WAY OF ALLEN COURT 180 FEET TO THE TRUE POINT OF BEGINNING, AND IRON PIN FOUND; RUNNING THENCE WESTERLY ALONG THE NORTHERLY BOUNDARY OF LOTS 3, 4 AND 5 A DISTANCE OF 340 FEET; RUNNING THENCE NORTHERLY 100 FEET; RUNNING THENCE EASTERLY 340 FEET TO AN IRON PIN FOUND LOCATED UPON THE RIGHT-OF-WAY OF ALLEN COURT AS AFORESAID; RUNNING ALONG THE SOUTHERLY RIGHT-OF-WAY OF ALLEN COURT A DISTANCE OF 100 FEET TO THE IRON PIN FOUND WHICH WAS DENOMINATED AS THE TRUE POINT OF BEGINNING. SUBJECT TO RECORDED PLAT THEREOF RECORDED AT PLAT BOOK 61, PAGE 93, RECORDED IN FULTON COUNTY SUPERIOR COURT, WHICH PLAT IS HEREBY REFERRED TO AND MADE A PART OF THIS DESCRIPTION.

PLUS,

TRACT 7:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 90 OF THE 17TH DISTRICT, FULTON COUNTY, GEORGIA, BEING LOT 8 AND PART OF LOT 9 OF THE SUBDIVISION OF J. H. CHATHAM AS SHOWN ON PLAT OF SURVEY BY C. E. ABERCROMBIE, R. E., DATED JANUARY 6, 1958, AND RECORDED IN PLAT BOOK 61, PAGE 93, FULTON COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT MARKED BY AN IRON PIN ON THE WEST SIDE OF ALLEN COURT TWO HUNDRED EIGHTY (280) FEET NORTH FROM THE NORTHWESTERLY CORNER OF ALLEN COURT AND ALLEN ROAD; RUNNING THENCE NORTHWESTERLY AND NORTHERLY ALONG THE SOUTHWESTERLY AND WESTERLY SIDE OF THE CUL-DE-SAC OF ALLEN COURT ONE HUNDRED THIRTY-THREE AND FIVE (133.5) FEET TO AN "X" ON CONCRETE; THENCE NORTHWESTERLY (ALONG A LINE WHICH FORMS AN INTERIOR ANGLE OF 147 DEGREES 54 MINUTES WITH A LONG CHORD OF LOT 8, SAID LONG CHORD HAVING A LENGTH OF 107.5 FEET) A DISTANCE OF ONE HUNDRED EIGHTY (180) FEET TO AN IRON PIN; THENCE CONTINUING NORTHWESTERLY ALONG A LINE WHICH FORMS AN INTERIOR ANGLE OF 169 DEGREES 53 MINUTES WITH THE LAST DESCRIBED COURSE A DISTANCE OF TWO HUNDRED NINETEEN AND EIGHT-TENTHS (219.8) FEET TO AN IRON PIN; THENCE SOUTH ONE HUNDRED FORTY-FOUR (144) FEET TO AN IRON PIN; THENCE EASTERLY ONE HUNDRED EIGHT AND TWO-TENTHS (108.2) FEET TO AN IRON PIN; THENCE SOUTH FIFTY (50) FEET TO AN IRON PIN; THENCE EASTERLY ALONG THE NORTHERLY SIDE OF LOT 7, THREE HUNDRED FORTY (340) FEET TO AN IRON PIN ON THE WEST SIDE OF ALLEN COURT AND THE POINT OF BEGINNING.

Deed Book 50762 Pg. 251
Catherine Robinson
Clerk of Superior Court
Fulton County, Georgia

EXHIBIT "A" - Page 4 of 4

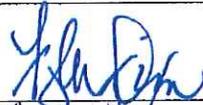
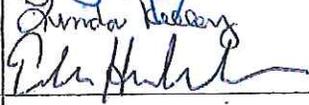
Exhibit D

Consent from all adjoining landowners and other interested parties, if applicable

PETITION FOR ROADWAY ABANDONMENT

I(We) do hereby pledge and consent to the request for the abandonment of

Sandy Springs Circle

Printed Name	Signature	Indication:		Property Street Address
		YES	NO	
Tyler C. Dixon		✓		5840 Sandy Springs Circle
IPI Global, LLC	 <i>Pamela K. Hester</i>	✓		5820 & 5830 Allen Court

Neighborhood: _____ Date: _____

Exhibit E

Copy of right-of-way dedication plats or deeds, if applicable

Exhibit F

Attorney's title certificate documenting the history of the R/W through all of its recorded owners to present

LAW OFFICES
WILLIAM H. DODSON, II, LLC

6000 LAKE FORREST DRIVE, N.W.

SUITE 200

ATLANTA, GEORGIA 30328

TELEPHONE: (404) 250-9800 FACSIMILE: (404) 250-0535

WILLIAM H. DODSON, II

bill_dodson@dodson-galaw.com

May 14, 2014

Joel S. Reed, Esq.
JW Homes, LLC
4125 Atlanta Road
Smyrna, GA 30080

Our File No.: D13-52569 (a-m).

IN RE: All that tract or parcel of land lying and being in Land Lot 90, 17th District, Fulton County, Georgia, being a portion of Allen Court also known as Sandy Springs Circle aka Allen Lane as shown on that plat of "Sub'd of J. H. Chatham" recorded at Plat Book 61, page 93, Fulton County, Georgia records and as more particularly described on Exhibit "A" attached.

Dear Sir/Madam:

In consideration of a fee to be paid, this is to certify that I have examined the properly indexed deed records of Fulton County, Georgia and find the above captioned property vested in either the City of Sandy Springs or Fulton County, Georgia, by virtue of the dedication of said right-of-way upon the recordation of the subdivision plat in the land records of Fulton County, Georgia and unrecorded conveyance of public roads by Fulton County, Georgia and assumed by the City of Sandy Springs, subject to the following exceptions to-wit:

1. **Survey.** Exception is taken to all matters of survey as well as all matters which may be disclosed by an inspection of the property.
2. **Utilities.** Exception is taken to utility lines actually installed in the right-of-way of Allen Court also known as Sandy Springs Circle as well as to unrecorded easements required for operation, inspection, maintenance, repair or replacement of facilities located within said right-of-way.

Joel S. Reed, Esq.
May 14, 2014
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3. **Private Easements of Usage.** Exception is taken to rights of property owners abutting said right-of-way for pedestrian, vehicular and utility purposes acquired by deed, recorded plat or usage under, across or over said right-of-way.

4. **Reversionary Private Rights in the Fee Upon Abandonment.** Exception is taken to the rights of property owners abutting said right-of-way in and to the fee interest in and to said right-of-way for such portion of the right-of-way abutting their property to the centerline of the abandoned right-of-way upon abandonment.

5. **History.** Allen Court also known as Sandy Springs Circle was acquired by the Developer prior to the subdivision of the acreage into property known as "Sub'd of J. H. Chatham". The road was constructed in connection with the subdivision and first appears on the subdivision plat for "Sub'd of J. H. Chatham". recorded at Plat Book 61, page 93, Fulton County, Georgia records. The dates of approval appear to be between January 15 and February 4, 1958 with the plat being recorded of record on February 14, 1958. No separate deed for said right-of-way nor a recordation of the plat has been found of record which indicates that said right-of-way has been in continuous use from 1958 until the date of this report.

6. This certificate: (1) is effective as of 5:00 P.M., April 15, 2014; (2) is restricted to the sole use of the addressees herein; (3) is restricted solely for the use in the transaction contemplated in the client's title request; and (4) is strictly limited to matters set forth in period of time certified.

Very truly yours,



William H. Dodson, II
Attorney at Law

WHDii:mha

STATE OF GEORGIA
COUNTY OF FULTON

**A RESOLUTION TO APPROVE THE APPLICATION TO OBTAIN
ABANDONMENT OF A PORTION OF THE RIGHT OF WAY OF SANDY SPRINGS
CIRCLE (a/k/a ALLEN COURT) FILED BY JW HOMES, LLC**

WHEREAS, the City has received an Application and Affidavit to Obtain Abandonment of Right of Way (“Application”) on a portion of Sandy Springs Circle (a/k/a Allen Court), with the subject property being located in Land Lot 90 of the 17th District, Fulton County, Georgia, and more particularly described as set forth in the Application attached hereto; and

WHEREAS, the Application includes a petition signed by 100% of the owners directly adjacent to the portion of said 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 Right of Way.

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

That the City of Sandy Springs Mayor and City Council approve the Application and Affidavit to Obtain Abandonment of Right of Way of Sandy Springs Circle (a/k/a Allen Court), in Land Lot 90 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.

Russell K. Paul, Mayor

Attest:

Michael Casey, City Clerk
(Seal)