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**CITY COUNCIL AGENDA ITEM**

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**TO:** Mayor & City Council

**DATE:** August 14, 2014

**FROM:** John McDonough, City Manager

**AGENDA ITEM:** Consideration of the Acceptance of the Agreement to Purchase Right of Way on the T-0039 Capital Improvements Project / Spalding Drive at Mt. Vernon Road Intersection Improvements

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

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

See attached:

Memorandum  
Exhibits  
Resolution

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**APPROVAL BY CITY MANAGER:**                     JFM                     APPROVED

**PLACED ON AGENDA FOR:** 08/19/2014

**CITY ATTORNEY APPROVAL REQUIRED:** (  ) YES (  ) NO

**CITY ATTORNEY APPROVAL:**                     [Signature]                    

**REMARKS:**



TO: John McDonough, City Manager

FROM: Wendell Willard, City Attorney  
Cecil G. McLendon, Jr., Assistant City Attorney

DATE: August 11, 2014, for Submission onto the Consent Agenda of the August 19, 2014 Mayor and City Council Meeting

ITEM: Consideration of the Acceptance of the Agreement to Purchase Right of Way on the T-039 Capital Improvements Project / Spalding Drive at Mt. Vernon Road Intersection Improvements.

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**Recommendation:**

The City attorney recommends that the Mayor and City Council accept and approve the Agreement to Purchase Real Estate on that tract or parcel of land lying and located in Land Lot 337 of the 6<sup>th</sup> District, Fulton County, Georgia. The property as shown in the attached exhibits is owned by Kathryn and Richard Brown and is more specifically known as being 7800 Mt. Vernon Road.

**Background:**

The required consists of 14,781.00 square feet of fee simple right of way, 8,950.00 square feet of temporary construction easement and 2,345.00 square feet of permanent drainage easement. After receiving City Council guidance, City staff presented a final offer of settlement in the amount of \$150,000.00 to the owner, and the attached Agreement to Purchase Real Estate was executed.

**Discussion:**

This property represents the final parcel necessary to move forward with this Project. This settlement amount is a reasonable purchase price for the property and rights to be acquired.

**Alternatives:**

The City can elect to reject this settlement offer and either pursue eminent domain or refrain from constructing the project altogether.

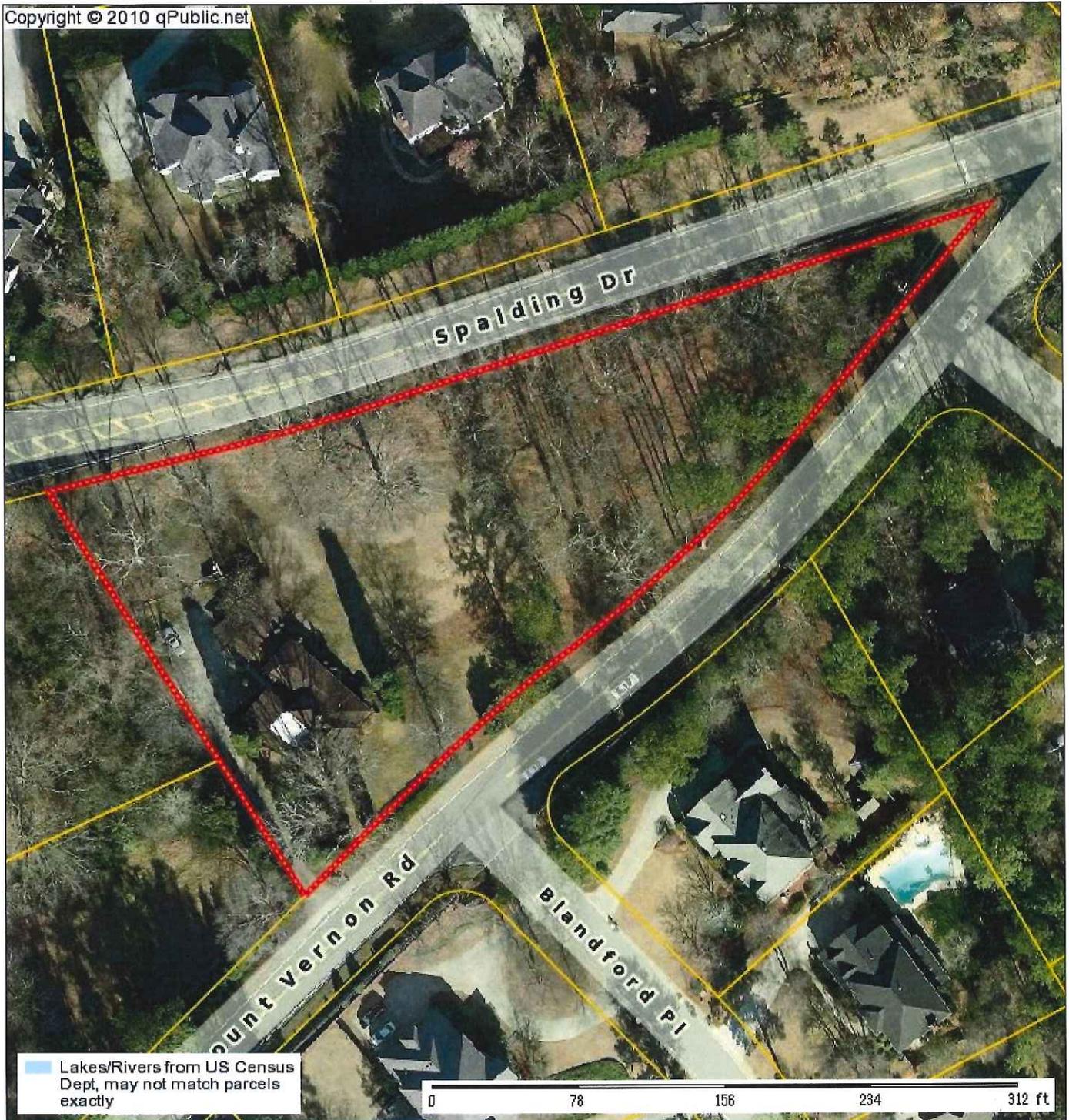
**Financial Impact:**

The agreement is for \$150,000.00 to be paid to the owners.



**Attachments:**

- I. Exhibits
  - Aerial and GIS Maps
  - Executed Agreement to Purchase Real Estate including Plat and Legal Descriptions
- II. Resolution



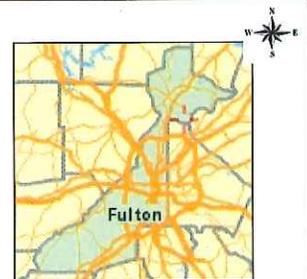
Lakes/Rivers from US Census Dept, may not match parcels exactly



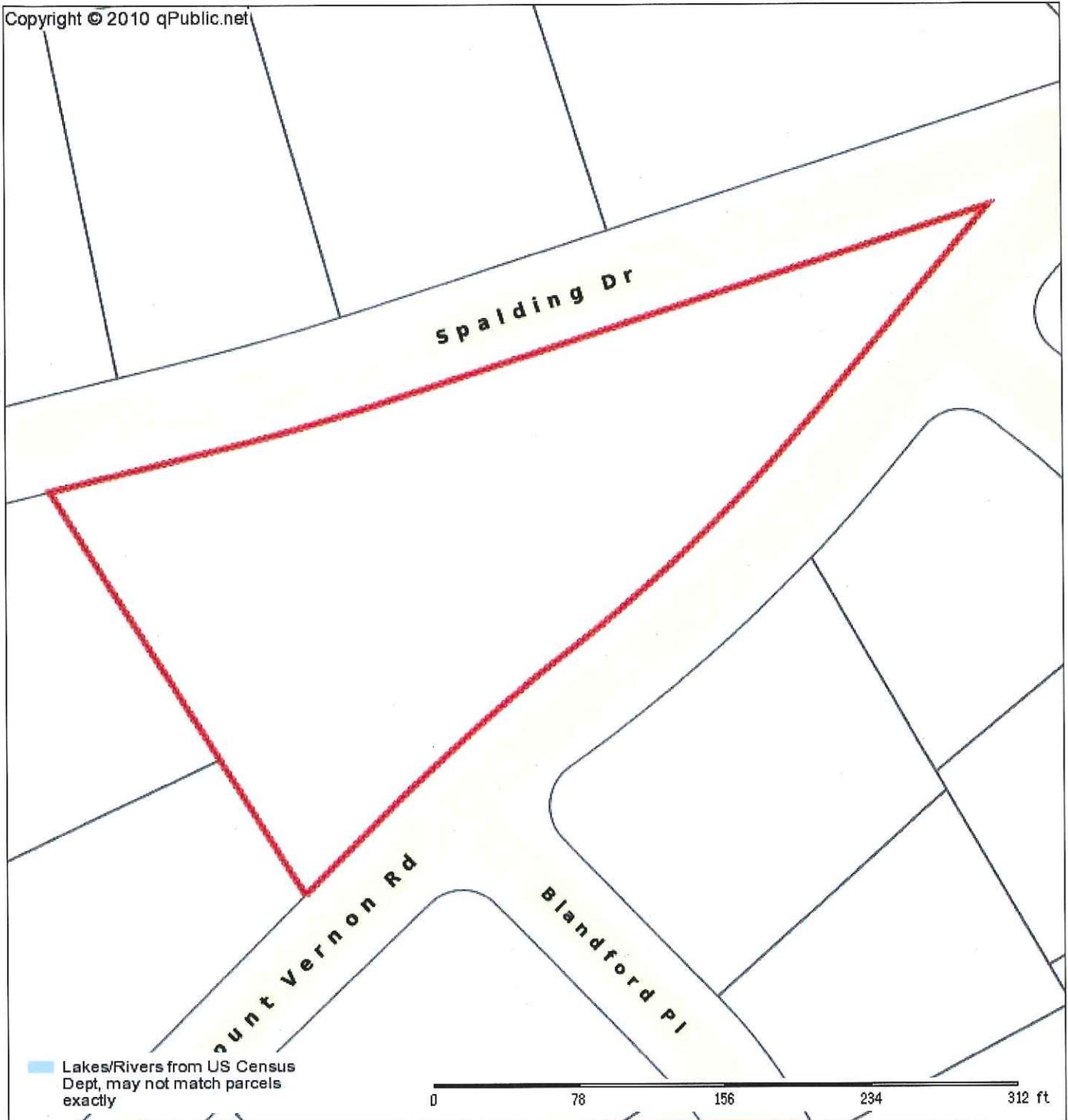
Fulton County Assessor

Parcel: 06 0337 LL0358 Acres: 1.38

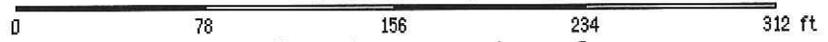
Name:	BROWN KATHRYN E & RICHARD N	Land Value:	111500
Site:	7800 MOUNT VERNON RD	Building Value:	74500
Sale:	\$0 on 1999-12-29 Reason=6 Qual=U	Misc Value:	
Mail:	7800 MOUNT VERNON RD	Total Value:	186000
	SANDY SPRINGS, GA 30350		



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 : 15:58:20



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



Fulton County Assessor			
Parcel: 06 0337 LL0358 Acres: 1.38			
Name:	BROWN KATHRYN E & RICHARD N	Land Value:	111500
Site:	7800 MOUNT VERNON RD	Building Value:	74500
Sale:	\$0 on 1999-12-29 Reason=6 Qual=U	Misc Value:	
Mail:	7800 MOUNT VERNON RD	Total Value:	186000
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 Date printed: 08/12/14 : 15:57:50

Mr. & Mrs. Richard N. Brown  
c/o Stephen G. Quinn  
Wilson, Morton & Downs LLC  
Two Decatur TownCenter  
125 Clairemont Avenue, Suite 420  
Decatur, GA 30030

RE: City of Sandy Springs -- Spalding Drive @ Mt. Vernon Road Intersection Improvements  
Parcel #1  
Mr. and Mrs. Richard N. Brown  
7800 Mt. Vernon Road  
Sandy Springs, GA 30350

**STATE OF GEORGIA, FULTON COUNTY**

For and in consideration of the sum of One Dollar (\$1.00), receipt whereof being acknowledged, the undersigned grants to the City of Sandy Springs an option to acquire the following described real estate:

Right of Way and/or Easement rights through that tract or parcel of land located in Land Lot 337 of the 6<sup>th</sup> District, of Fulton County, Georgia, and being more particularly described on Exhibits "A" and "B" attached hereto and made a part hereof by reference.

For the sum of **\$150,000.00**, the undersigned agrees to execute and deliver to the City of Sandy Springs, fee simple title and easements to the lands owned by the undersigned as reflected on the attached Exhibits "A" and "B".

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The following conditions are imposed upon the grant of this option:

- 1) This option shall extend for 90 days from this date.
- 2) The consideration recited is full payment for the rights conveyed.

<u>14,781.00</u>	<b>Square Feet of Fee Simple Right of Way</b>
<u>2,345.00</u>	<b>Permanent Drainage Easement</b>
<u>8,950.00</u>	<b>Square Feet of Temporary Construction Easement</b>

- 3) All Temporary Easements will terminate upon completion and acceptance of the same by the City of Sandy Springs Department of Transportation.
- 4) The undersigned shall obtain all quit claim deeds or releases from any tenant now in possession and any other parties having a claim or interest in the property described above.
- 5) Special Provisions, if any, are listed on Exhibit "C", which will be attached hereto and incorporated herein by reference.

Witness my hand and seal this 31 day of July, 2014.

Signed, Sealed and Delivered in the presence of:

[Signature]  
Witness  
[Signature]  
Notary Public



[Signature] (L.S.)  
KATHRYN E. BROWN  
[Signature] (L.S.)  
RICHARD N. BROWN

## RIGHT-OF-WAY

ALL THAT TRACT or parcel of land lying and being in Land Lot 337 of the 17th District of Fulton County, Georgia and being more particularly described as follows:

BEGINNING at a point 24.92 feet right and opposite of Station 94+12.28 of City of Sandy Springs Project No. T0039; THENCE proceeding along a curve to the left an arc length of 145.41 feet, having a radius of 5440.69 feet and having a chord bearing of NORTH 74 DEGREES 31 MINUTES 40 SECONDS EAST and a chord length of 145.40 feet; THENCE proceeding NORTH 73 DEGREES 45 MINUTES 44 SECONDS EAST a distance of 25.47 feet; THENCE proceeding NORTH 71 DEGREES 34 MINUTES 42 SECONDS EAST a distance of 351.98 feet; THENCE proceeding SOUTH 38 DEGREES 19 MINUTES 01 SECONDS WEST a distance of 64.52 feet; THENCE proceeding SOUTH 39 DEGREES 52 MINUTES 09 SECONDS WEST a distance of 46.07 feet; THENCE proceeding along a curve to the right an arc length of 236.32 feet, having a radius of 1306.58 feet, and having a chord bearing of SOUTH 45 DEGREES 03 MINUTES 02 SECONDS WEST and a chord length of 236.00 feet; THENCE proceeding SOUTH 48 DEGREES 50 MINUTES 30 SECONDS WEST a distance of 45.54 feet; THENCE proceeding along a curve along a curve to the left with an arc length of 72.74 feet, having a radius of 1915.40 feet and having a chord bearing of SOUTH 47 DEGREES 55 MINUTES 54 SECONDS WEST and a chord length of 72.73 feet; THENCE proceeding NORTH 40 DEGREES 20 MINUTES 23 SECONDS EAST a distance of 34.42 feet; THENCE proceeding NORTH 44 DEGREES 50 MINUTES 09 SECONDS EAST a distance of 119.41 feet; THENCE proceeding NORTH 42 DEGREES 04 MINUTES 24 SECONDS EAST a distance of 21.89 feet; THENCE proceeding along a curve along a curve to the left an arc length of 78.38 feet, having a radius of 391.00 feet and having a chord bearing of NORTH 36 DEGREES 19 MINUTES 51 SECONDS EAST and a chord length of 78.25 feet; THENCE proceeding NORTH 30 DEGREES 35 MINUTES 18 SECONDS EAST a distance of 19.85 feet; THENCE proceeding NORTH 33 DEGREES 21 MINUTES 03 SECONDS EAST a distance of 21.44 feet; THENCE proceeding NORTH 58 DEGREES 57 MINUTES 40 SECONDS WEST a distance of 72.60 feet; THENCE proceeding SOUTH 71 DEGREES 16 MINUTES 35 SECONDS WEST a distance of 143.82 feet; THENCE proceeding along a curve to the right an arc length of 167.74 feet, having a radius of 3166.86 feet and having a chord bearing of SOUTH 74 DEGREES 30 MINUTES 53 SECONDS WEST and a chord length of 167.72 feet; THENCE proceeding SOUTH 79 DEGREES 55 MINUTES 17 SECONDS WEST a distance of 1.35 feet; THENCE proceeding NORTH 31 DEGREES 08 MINUTES 30 SECONDS WEST a distance of 3.30 feet to a point and POINT OF BEGINNING.

Said parcel having an area of 14,781 square feet or 0.339 acres.

TEMPORARY CONSTRUCTION EASEMENT:

ALL THAT TRACT or parcel of land lying and being in Land Lot 337 of the 17th District of Fulton County, Georgia and being more particularly described as follows:

BEGINNING at a point 28.03 feet right and opposite of Station 94+13.38 of City of Sandy Springs Project No. T0039; THENCE proceeding NORTH 79 DEGREES 55 MINUTES 17 SECONDS EAST a distance of 1.35 feet; THENCE along a curve to the left with an arc length of 167.74 feet having a radius of 3166.86 feet and having a chord bearing of NORTH 74 DEGREES 30 MINUTES 53 SECONDS EAST and a chord length of 167.72 feet; THENCE proceeding NORTH 71 DEGREES 16 MINUTES 35 SECONDS EAST a distance of 87.58 feet; THENCE proceeding SOUTH 20 DEGREES 57 MINUTES 00 SECONDS EAST a distance of 28.14 feet; THENCE proceeding NORTH 57 DEGREES 55 MINUTES 47 SECONDS WEST a distance of 11.33 feet; THENCE proceeding SOUTH 84 DEGREES 08 MINUTES 44 SECONDS WEST a distance of 38.76 feet; THENCE proceeding SOUTH 71 DEGREES 16 MINUTES 35 SECONDS WEST a distance of 42.71 feet; THENCE along a curve to the right an arc length of 167.82 feet having a radius of 2661.31 feet and having a chord bearing of SOUTH 74 DEGREES 40 MINUTES 11 SECONDS WEST and a chord length of 167.79 feet; THENCE proceeding NORTH 31 DEGREES 12 MINUTES 42 SECONDS WEST a distance of 10.70 feet to a point and POINT OF BEGINNING.

Said easement being 2,960 square feet or 0.068 acres.

AND...

ALL THAT TRACT or parcel of land lying and being in Land Lot 337 of the 17th District of Fulton County, Georgia and being more particularly described as follows:

BEGINNING at a point 56.12 feet right and opposite of Station 96+67.71 of City of Sandy Springs Project No. T0039; THENCE proceeding SOUTH 57 DEGREES 55 MINUTES 47 SECONDS EAST a distance of 49.12 feet; THENCE proceeding SOUTH 17 DEGREES 27 MINUTES 45 SECONDS WEST a distance of 52.31 feet; THENCE proceeding SOUTH 06 DEGREES 54 MINUTES 51 SECONDS WEST a distance of 21.69 feet; THENCE proceeding SOUTH 42 DEGREES 04 MINUTES 24 SECONDS WEST a distance of 7.73 feet; THENCE proceeding SOUTH 44 DEGREES 50 MINUTES 09 SECONDS WEST a distance of 119.50 feet; THENCE proceeding SOUTH 40 DEGREES 20 MINUTES 23 SECONDS WEST a distance of 47.96 feet; THENCE proceeding SOUTH 43 DEGREES 47 MINUTES 52 SECONDS EAST a distance of 4.50 feet; THENCE proceeding NORTH 46 DEGREES 38 MINUTES 12 SECONDS EAST a distance of 13.85 feet; THENCE proceeding NORTH 40 DEGREES 20 MINUTES 23 SECONDS EAST a distance of 34.42 feet; THENCE proceeding NORTH 44 DEGREES 50 MINUTES 09 SECONDS EAST a distance of 119.41 feet; THENCE proceeding NORTH 42 DEGREES 04 MINUTES 24 SECONDS EAST a distance of 21.89 feet; THENCE along a curve to the left with an arc length of 78.38 feet, having a radius of 391.00 feet, and having a chord bearing of NORTH 36 DEGREES 19 MINUTES 51 SECONDS EAST, and a chord length of 78.25 feet; THENCE proceeding NORTH 30 DEGREES 35 MINUTES 18 SECONDS EAST a distance of 16.65 feet; THENCE proceeding NORTH 81 DEGREES 29 MINUTES 30 SECONDS WEST a distance of 93.02 feet to a point and POINT OF BEGINNING.

Said easement being 4,316 square feet or 0.099 acres.

**Exhibit A**

3 of 3

AND...

ALL THAT TRACT or parcel of land lying and being in Land Lot 337 of the 17th District of Fulton County, Georgia and being more particularly described as follows:

BEGINNING at a point 28.00 feet right and opposite of Station 96+86.63 of City of Sandy Springs Project No. T0039; THENCE SOUTH 81 DEGREES 29 MINUTES 30 SECONDS EAST proceeding a distance of 79.58 feet; THENCE proceeding NORTH 17 DEGREES 55 MINUTES 37 SECONDS WEST a distance of 10.39 feet; THENCE proceeding NORTH 58 DEGREES 57 MINUTES 40 SECONDS WEST a distance of 54.63 feet; THENCE SOUTH 71 DEGREES 16 MINUTES 35 SECONDS WEST proceeding a distance of 36.23 feet; THENCE proceeding SOUTH 20 DEGREES 57 MINUTES 00 SECONDS EAST a distance of 15.69 feet to a point and POINT OF BEGINNING.

Said easement being 1,673 square feet or 0.038 acres.

**PERMANENT DRAINAGE EASEMENT:**

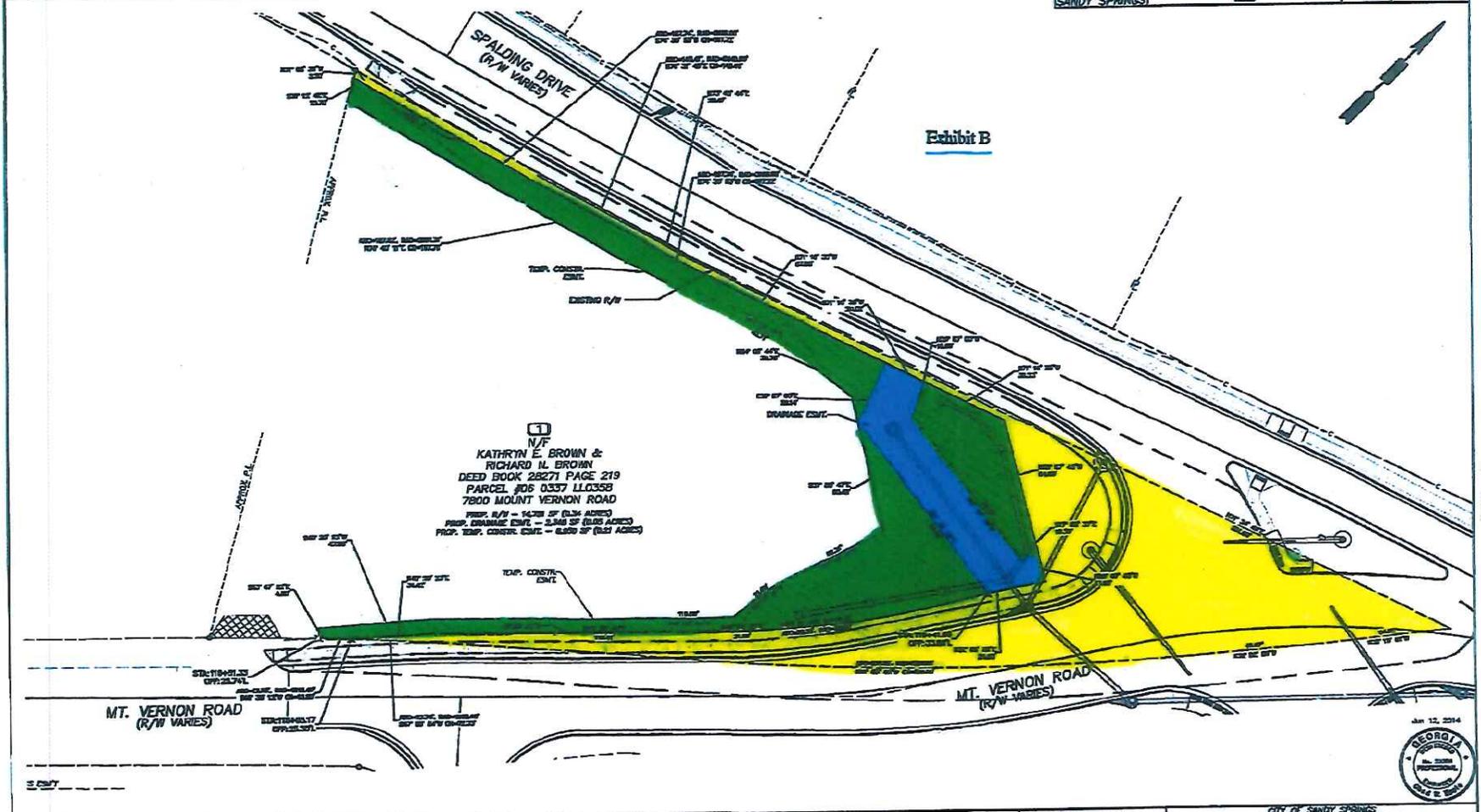
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BEGINNING at a point 28.00 feet right and opposite of Station 96+66.62 of City of Sandy Springs Project No. T0039; THENCE proceeding NORTH 71 DEGREES 16 MINUTES 35 SECONDS EAST a distance of 20.02 feet; THENCE proceeding SOUTH 20 DEGREES 57 MINUTES 00 SECONDS EAST a distance of 15.69 feet; THENCE proceeding SOUTH 81 DEGREES 29 MINUTES 30 SECONDS EAST a distance of 79.58 feet; THENCE proceeding NORTH 17 DEGREES 55 MINUTES 37 SECONDS WEST a distance of 10.39 feet; THENCE proceeding SOUTH 58 DEGREES 57 MINUTES 40 SECONDS EAST a distance of 17.96 feet; THENCE proceeding SOUTH 33 DEGREES 21 MINUTES 03 SECONDS WEST a distance of 21.44 feet; THENCE proceeding SOUTH 30 DEGREES 35 MINUTES 18 SECONDS WEST a distance of 3.20 feet; THENCE proceeding NORTH 81 DEGREES 29 MINUTES 30 SECONDS WEST a distance of 93.02 feet; THENCE proceeding NORTH 20 DEGREES 57 MINUTES 00 SECONDS WEST a distance of 28.14 feet and POINT OF BEGINNING.

Said easement having an area of 2,346 square feet 0.054 acres

# Exhibit B

CITY	PROJECT NUMBER	SHEET NO.	TOTAL SHEETS
SANDY SPRINGS		61-05	61



PROPERTY AND EX. R/W LINE	---
REQUIRED R/W LINE	---
CONSTRUCTION LIMITS	---
FORWARDED EASEMENT FOR MAINTENANCE	---
TOURNAPOY EASEMENT FOR CONSTRUCTION	---
EXCERPT FOR CONSTRUCTION OF DRIVEWAYS	---
FORWARD DRAINAGE EASEMENT	---



  
**SOUTHEASTERN ENGINEERING, INC.**  
 1419 SOUTH BIRMINGHAM AVENUE, SUITE 2000, GEORGIA 30084  
 MOBILE: 770-521-2700 FAX: 770-521-5123  
[www.seiengineering.com](http://www.seiengineering.com)



REVISION	DATE

CITY OF SANDY SPRINGS  
 PUBLIC WORKS DEPARTMENT  
 OFFICE: PUBLIC WORKS DATE: 6-12-14  
**BROWN RIGHT OF WAY PLAN**  
 ROADWAY IMPROVEMENTS  
 SPALDING DR. & MOUNT VERNON RD. **61-05**

**EXHIBIT "C"**

1. The City of Sandy Springs shall direct its contractor to remove any fallen trees and stumps that lie within the required right of way, permanent drainage easement or temporary construction easements and fine grade the areas to stabilize for erosion control measures.
2. The sum of \$150,000.00 to be paid to the Browns upon the City of Sandy Springs exercising the option to acquire real estate as described herein includes compensation for damages to the remainder of the Browns' property in addition to the purchase price for fee simple and easement acquisition.

**RIGHT OF WAY DEED**

**STATE OF GEORGIA  
FULTON COUNTY**

THIS INDENTURE, made this \_\_\_\_\_ day of \_\_\_\_\_, 2014, between KATHRYN E. BROWN AND RICHARD N. BROWN, parties of the first part, and THE CITY OF SANDY SPRINGS, GEORGIA, a Municipal Corporation of the State of Georgia, party of the second part.

WITNESSETH, That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, in hand paid and the project hereinafter described, parties of the first part, do grant and convey unto party of the second part, its successors and assigns, the following property to-wit:

That tract of land lying and being in Land Lot 337 of the 6<sup>th</sup> Land District of Fulton County, Georgia, as described in Deed Book# 28271, Page# 219, and more particularly described as follows:

**See Exhibits "A" and "B"**

It is the intent of both parties that the City of Sandy Springs, GA shall acquire a total of 14,781.00 square feet of fee simple right of way for the purpose of the construction of intersection improvements. Party of the first part also agrees to grant a Temporary Construction Easement in the amount of 8,950.00 square feet and a Permanent Drainage Easement in the amount of 2,345.00 square feet to the party of the second part as more particularly described in Exhibits "A" and "B". Said Temporary Construction Easement Shall expire upon completion and acceptance of the project by the City of Sandy Springs Public Works Department.

To have and to hold the bargained premises unto grantee, its successors and assigns forever in fee simple.

Parties of the first part will forever warrant and defend the title to the bargained premises unto party of the second party, its successors and assigns against the claims of the persons whomsoever.

IN WITNESS WHEREOF, parties of the first part have hereunto set their hands and seals the day and year above written.

Signed, sealed and delivered  
in the presence of:

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
KATHRYN E. BROWN (L.S.)

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
RICHARD N. BROWN (L.S.)

## Exhibit A

### RIGHT-OF-WAY

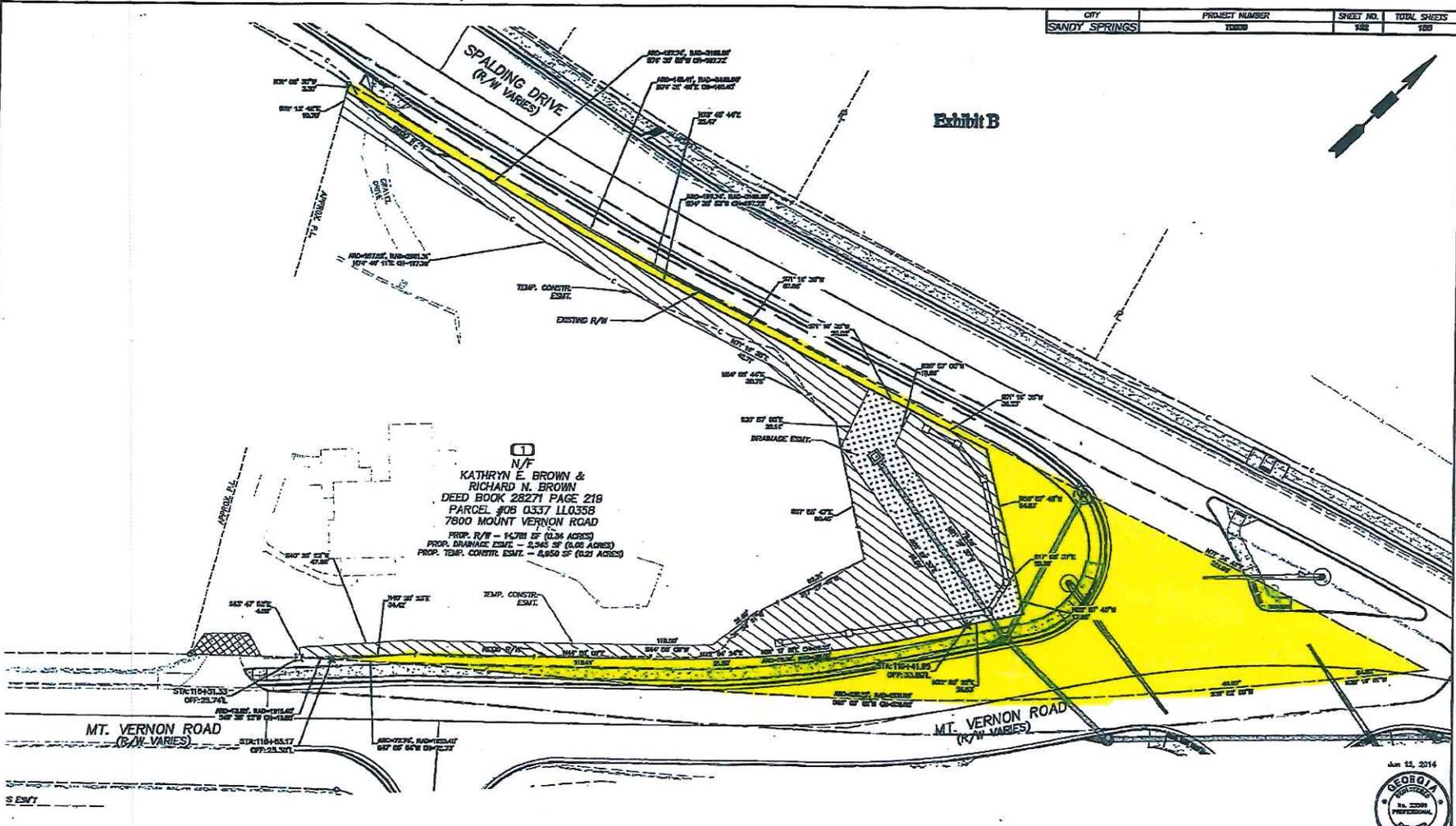
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Said parcel having an area of 14,781 square feet or 0.339 acres.

CITY	PROJECT NUMBER	SHEET NO.	TOTAL SHEETS
SANDY SPRINGS	10000	102	100

Exhibit B



**1**  
 N/F  
 KATHRYN E. BROWN &  
 RICHARD N. BROWN  
 DEED BOOK 28271 PAGE 218  
 PARCEL #08 0337 L10358  
 7800 MOUNT VERNON ROAD  
 PROP. R/W - 14,781 SF (0.34 ACRES)  
 PROP. DRAINAGE ESENT. - 2,943 SF (0.06 ACRES)  
 PROP. TEMP. CONSTR. ESENT. - 8,650 SF (0.21 ACRES)

Jun 12, 2014



PROPERTY AND E.C. R/W LINE	—	above line	—
ACQUIRED R/W LINE	—	TELEPHONE LINE	—
CONSTRUCTION LINES	—	ON POWER LINE	—
PERMANENT EASEMENT FOR MAINTENANCE	—	UP POWER LINE	—
TEMPORARY EASEMENT FOR CONSTRUCTION	—	water line	—
EASEMENT FOR CONSTRUCTION OF DRIVEWAYS	—	Other utility line	—
PERMANENT DRAINAGE EASEMENT	—	gas line	—
		SANITARY SEWER LINE	—
		LIGHTING CONDUIT	—
		RETAINING WALL	—
		line of abandonment	—



  
**SEI**  
 SOUTHEASTERN ENGINEERING, INC.  
 2419 South Vista Road, Marietta, Georgia 30066  
 US 770-541-9166 Fax 770-541-5322  
 www.seiengineers.com



REVISION DATES

CITY OF SANDY SPRINGS  
 PUBLIC WORKS DEPARTMENT  
 OFFICE: PUBLIC WORKS    DATE: 6-12-14  
**BROWN RIGHT OF WAY PLAN**  
 ROADWAY IMPROVEMENTS  
 SPALDING DR. & MOUNT VERNON RD.

SHEET NO. 61-05

**PERMANENT DRAINAGE EASEMENT**

**STATE OF GEORGIA  
CITY OF SANDY SPRINGS**

THIS AGREEMENT is entered into the \_\_\_\_\_ day of \_\_\_\_\_, 2014, between KATHRYN E. BROWN AND RICHARD N. BROWN, herein referred to as the "Grantor", and CITY OF SANDY SPRINGS, GEORGIA, hereinafter called the "Grantee".

THAT WHEREAS, Grantee is desirous of obtaining a permanent drainage easement for the construction and perpetual maintenance, improvements and or upgrades of drainage appurtenances on or across the property of Grantor, located at 7800 Mt. Vernon Road, Sandy Springs, GA, within Land Lot 337 of Land District 6 of SANDY SPRINGS, GEORGIA. Said permanent drainage easement is more particularly described as being:

**See attached Exhibits "A" and "B"**

NOW, THEREFORE, in consideration of the foregoing recitals and ONE DOLLAR (\$1.00), the receipt and sufficiency of which are hereby acknowledged by Grantor, Grantor does hereby sell and convey to SANDY SPRINGS, GOERGIA, the permanent drainage easement described on and illustrated by the drawing attached hereto as Exhibits "A" and "B", and incorporated herein by reference.

The easement herein shall bind the heirs and assigns of the undersigned party, and shall inure to the benefit of the successors in title of Grantee.

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

Signed, sealed and delivered in  
the presence of:

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
KATHRYN E. BROWN

(L.S.)

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
RICHARD N. BROWN

(L.S.)

## Exhibit A

### PERMANENT DRAINAGE EASEMENT:

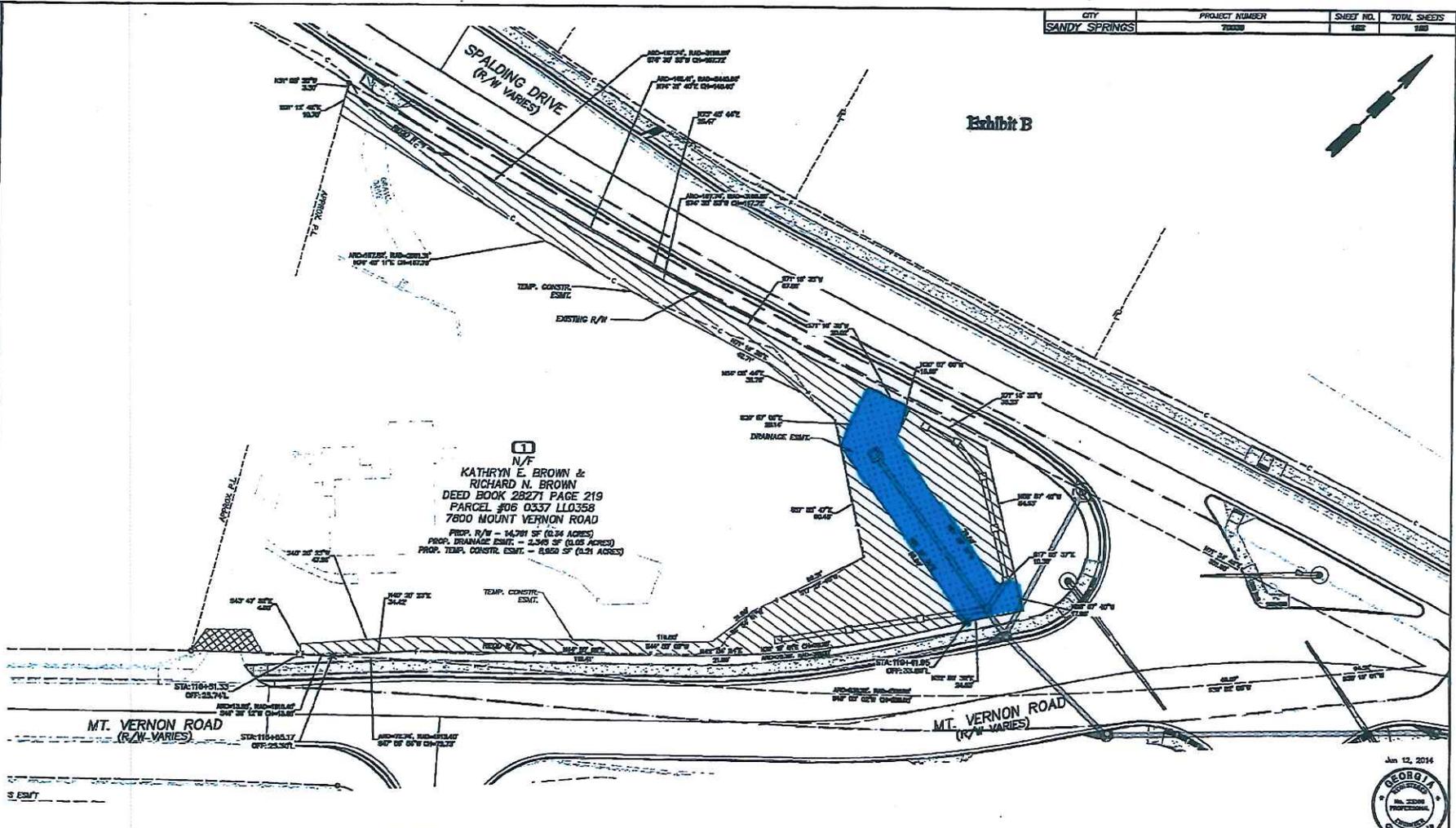
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Said easement having an area of 2,346 square feet 0.054 acres

CITY	PROJECT NUMBER	SHEET NO.	TOTAL SHEETS
SANDY SPRINGS	70000	166	168

Exhibit B



N/F  
 KATHRYN E. BROWN &  
 RICHARD N. BROWN  
 DEED BOOK 28271 PAGE 219  
 PARCEL #06 0337 LL0358  
 7600 MOUNT VERNON ROAD  
 PROP. R/W - 14,791 SF (0.34 ACRES)  
 PROP. DRAINAGE EASMT. - 2,290 SF (0.05 ACRES)  
 PROP. TEMP. CONSTR. EASMT. - 8,920 SF (0.21 ACRES)

Jun 12, 2014



PROPERTY AND CG. R/W LINE	1	show the	1
ADJACENT R/W LINE	2	TELEPHONE LINE	1
CONSTRUCTION LIMITS	3	BY POWER LINE	2
PERMANENT EASEMENT FOR MAINTENANCE	4	BY POWER LINE	3
TEMPORARY EASEMENT FOR CONSTRUCTION	5	water line	4
EASEMENT FOR CONSTRUCTION OF UTILITIES	6	gas line	5
PERMANENT DRAINAGE EASEMENT	7	SAWDRY SOCKET LINE	6
	8	UPHOLDING CONDUIT	7
	9	RETURNING WALL	8
	10	cut of disturbance	9



**SEI**  
 SOUTHEASTERN ENGINEERING, INC.  
 2478 Sandy Plains East Marietta, Georgia 30066  
 tel: 770-241-1338 fax: 770-241-1351  
 www.seiinc.com



REVISION DATES

CITY OF SANDY SPRINGS  
 PUBLIC WORKS DEPARTMENT  
 OFFICE: PUBLIC WORKS DATE: 6-12-14  
**BROWN RIGHT OF WAY PLAN**  
 ROADWAY IMPROVEMENTS  
 SPALDING DR. & MOUNT VERNON RD.  
 SHEET NO. 61-05

**TEMPORARY CONSTRUCTION EASEMENT**

**STATE OF GEORGIA  
FULTON COUNTY**

THIS CONVEYANCE made and executed the \_\_\_\_ day of \_\_\_\_\_, 2014.

WHEREAS, the City of Sandy Springs in the County of Fulton, Georgia desires to construct a sidewalk project along Powers Ferry Road known as Project No. T-0039.

NOW, THEREFORE, for value received, we **KATHRYN E. BROWN AND RICHARD N. BROWN** do hereby grant to the City of Sandy Springs, GA, ( the "City") the right to execute certain construction over and upon my land abutting on and adjacent to the right of way in such manner as the City may deem proper to support or accommodate the improvements of said project, including the right to slope the cuts and fills within the easement areas shown colored green on the attached plat labeled Exhibit "A". The slopes will remain in place and the City will cease to maintain the slopes upon completion and final acceptance of the project by the City of Sandy Springs Public Works Department.

This easement becomes effective at the beginning of construction of the above numbered project and will expire upon completion and final acceptance of said project by the City of Sandy Springs Public Works Department.

We hereby warrant that we have the right to sell and/or convey said land and bind, ourselves, our heirs, executors and administrators forever and defend by virtue of these presents.

In Witnesseth whereof, we have hereunto set our hands and seal the day above written.

Signed, Sealed and Delivered this \_\_\_\_ day of \_\_\_\_\_, 2014 in the presence of:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
KATHRYN E. BROWN (L.S.)

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
RICHARD N. BROWN (L.S.)

{NOTARY SEAL}

## Exhibit A

### TEMPORARY CONSTRUCTION EASEMENT:

ALL THAT TRACT or parcel of land lying and being in Land Lot 337 of the 17th District of Fulton County, Georgia and being more particularly described as follows:

BEGINNING at a point 28.03 feet right and opposite of Station 94+13.38 of City of Sandy Springs Project No. T0039; THENCE proceeding NORTH 79 DEGREES 55 MINUTES 17 SECONDS EAST a distance of 1.35 feet; THENCE along a curve to the left with an arc length of 167.74 feet having a radius of 3166.86 feet and having a chord bearing of NORTH 74 DEGREES 30 MINUTES 53 SECONDS EAST and a chord length of 167.72 feet; THENCE proceeding NORTH 71 DEGREES 16 MINUTES 35 SECONDS EAST a distance of 87.58 feet; THENCE proceeding SOUTH 20 DEGREES 57 MINUTES 00 SECONDS EAST a distance of 28.14 feet; THENCE proceeding NORTH 57 DEGREES 55 MINUTES 47 SECONDS WEST a distance of 11.33 feet; THENCE proceeding SOUTH 84 DEGREES 08 MINUTES 44 SECONDS WEST a distance of 38.76 feet; THENCE proceeding SOUTH 71 DEGREES 16 MINUTES 35 SECONDS WEST a distance of 42.71 feet; THENCE along a curve to the right an arc length of 167.82 feet having a radius of 2661.31 feet and having a chord bearing of SOUTH 74 DEGREES 40 MINUTES 11 SECONDS WEST and a chord length of 167.79 feet; THENCE proceeding NORTH 31 DEGREES 12 MINUTES 42 SECONDS WEST a distance of 10.70 feet to a point and POINT OF BEGINNING.

Said easement being 2,960 square feet or 0.068 acres.

AND...

ALL THAT TRACT or parcel of land lying and being in Land Lot 337 of the 17th District of Fulton County, Georgia and being more particularly described as follows:

BEGINNING at a point 56.12 feet right and opposite of Station 96+67.71 of City of Sandy Springs Project No. T0039; THENCE proceeding SOUTH 57 DEGREES 55 MINUTES 47 SECONDS EAST a distance of 49.12 feet; THENCE proceeding SOUTH 17 DEGREES 27 MINUTES 45 SECONDS WEST a distance of 52.31 feet; THENCE proceeding SOUTH 06 DEGREES 54 MINUTES 51 SECONDS WEST a distance of 21.69 feet; THENCE proceeding SOUTH 42 DEGREES 04 MINUTES 24 SECONDS WEST a distance of 7.73 feet; THENCE proceeding SOUTH 44 DEGREES 50 MINUTES 09 SECONDS WEST a distance of 119.50 feet; THENCE proceeding SOUTH 40 DEGREES 20 MINUTES 23 SECONDS WEST a distance of 47.96 feet; THENCE proceeding SOUTH 43 DEGREES 47 MINUTES 52 SECONDS EAST a distance of 4.50 feet; THENCE proceeding NORTH 46 DEGREES 38 MINUTES 12 SECONDS EAST a distance of 13.85 feet; THENCE proceeding NORTH 40 DEGREES 20 MINUTES 23 SECONDS EAST a distance of 34.42 feet; THENCE proceeding NORTH 44 DEGREES 50 MINUTES 09 SECONDS EAST a distance of 119.41 feet; THENCE proceeding NORTH 42 DEGREES 04 MINUTES 24 SECONDS EAST a distance of 21.89 feet; THENCE along a curve to the left with an arc length of 78.38 feet, having a radius of 391.00 feet, and having a chord bearing of NORTH 36 DEGREES 19 MINUTES 51 SECONDS EAST, and a chord length of 78.25 feet; THENCE proceeding NORTH 30 DEGREES 35 MINUTES 18 SECONDS EAST a distance of 16.65 feet; THENCE proceeding NORTH 81 DEGREES 29 MINUTES 30 SECONDS WEST a distance of 93.02 feet to a point and POINT OF BEGINNING.

Said easement being 4,316 square feet or 0.099 acres.

**Exhibit A**

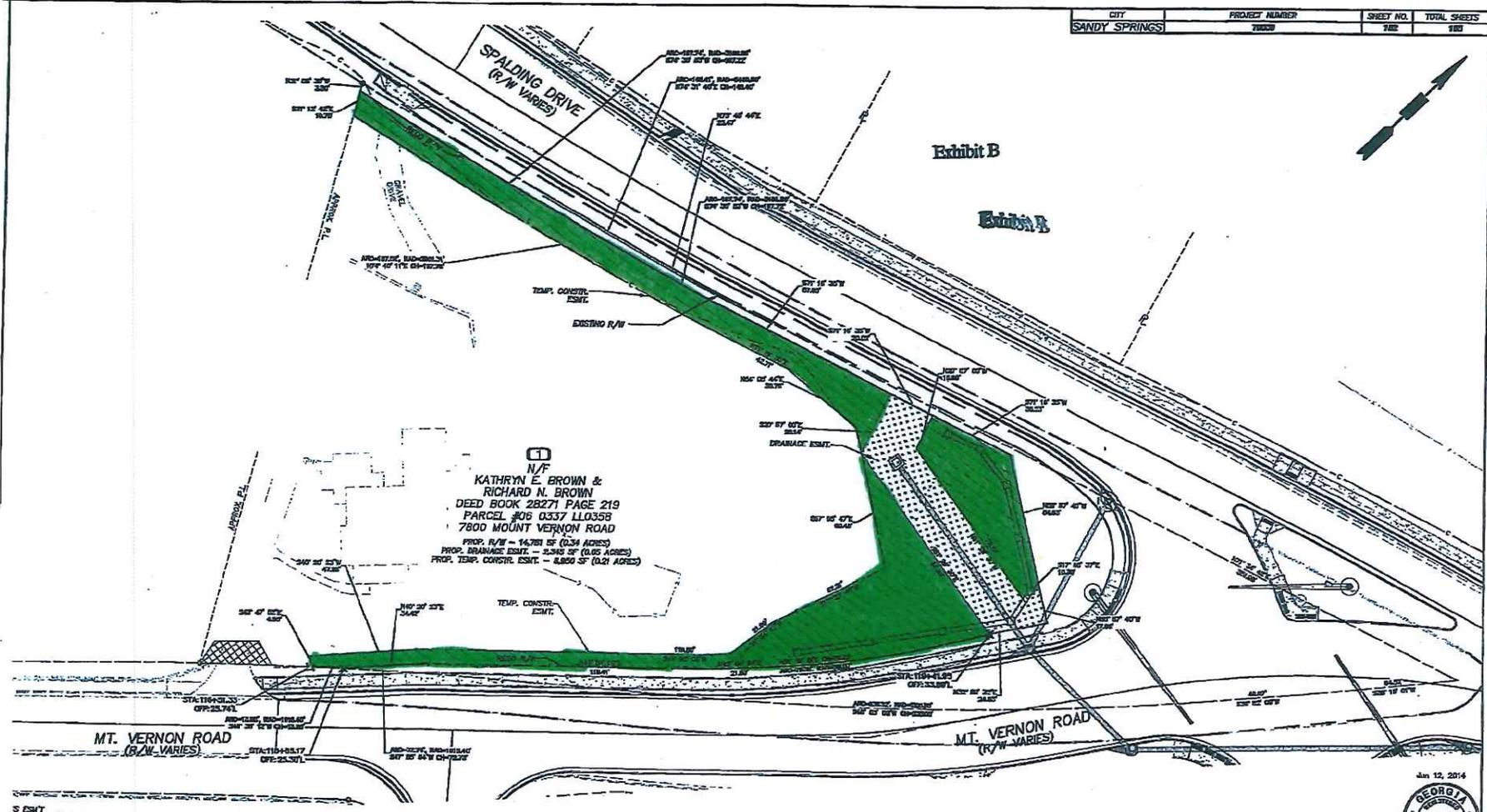
AND...

ALL THAT TRACT or parcel of land lying and being in Land Lot 337 of the 17th District of Fulton County, Georgia and being more particularly described as follows:

BEGINNING at a point 28.00 feet right and opposite of Station 96+86.63 of City of Sandy Springs Project No. T0039; THENCE SOUTH 81 DEGREES 29 MINUTES 30 SECONDS EAST proceeding a distance of 79.58 feet; THENCE proceeding NORTH 17 DEGREES 55 MINUTES 37 SECONDS WEST a distance of 10.39 feet; THENCE proceeding NORTH 58 DEGREES 57 MINUTES 40 SECONDS WEST a distance of 54.63 feet; THENCE SOUTH 71 DEGREES 16 MINUTES 35 SECONDS WEST proceeding a distance of 36.23 feet; THENCE proceeding SOUTH 20 DEGREES 57 MINUTES 00 SECONDS EAST a distance of 15.69 feet to a point and POINT OF BEGINNING.

Said easement being 1,673 square feet or 0.038 acres.

CITY	PROJECT NUMBER	SHEET NO.	TOTAL SHEETS
SANDY SPRINGS	7800	782	783



Jan 12, 2014



PROPERTY AND EX. 1/4" LINE	along the TELEPHONE LINE	1
REQUIRED R/W LINE	along the POWER LINE	2
CONSTRUCTION LIMITS	along the 10' POWER LINE	2
PERMANENT EASEMENT FOR MAINTENANCE	along the 10' POWER LINE	2
TEMPORARY EASEMENT FOR CONSTRUCTION	along the 10' POWER LINE	2
EASEMENT FOR CONSTRUCTION OF DRAINAGE	along the 10' POWER LINE	2
PERMANENT DRAINAGE EASEMENT	along the 10' POWER LINE	2



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 2478 Sandy Ridge Road, Marietta, Georgia 30067  
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REVISION DATES

CITY OF SANDY SPRINGS  
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 SHEET NO. 61-05

RESOLUTION NO. \_\_\_\_\_

STATE OF GEORGIA  
COUNTY OF FULTON

**A RESOLUTION TO APPROVE THE PURCHASE OF RIGHT OF WAY AND  
EASEMENT RIGHTS ON PROPERTY LOCATED IN LAND LOT 337 OF THE 6TH  
DISTRICT, FULTON COUNTY, CITY OF SANDY SPRINGS, GEORGIA**

**WHEREAS**, the City desires to purchase the Right of Way and/or Easement Rights through that tract of land located in Land Lot 337 of the 6<sup>th</sup> District, Fulton County, Georgia, and more particularly described as set forth in the Purchase and Sale Agreement attached hereto; and

**WHEREAS**, the City and the property owner have in good faith agreed upon a purchase price of One Hundred Fifty Thousand and 00/100 Dollars (\$150,000.00) and

**WHEREAS**, the Mayor and Council has considered the Right of Way and Easement rights acquisition and has determined that it is in the City's best interest.

**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 Purchase and Sale Agreement for the Right of Way and/or Easement Rights through that tract of land located in Land Lot 337 of the 6<sup>th</sup> District, Fulton County, Georgia, as set forth in the exhibits attached hereto, and authorize the City Manager to sign and execute all documents required to facilitate this transaction.

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

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

Attest:

\_\_\_\_\_  
Michael Casey, City Clerk  
(Seal)