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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:** Proposed Property Exchange between the City and Mrs. Susan Strother

**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:

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 11, 2014, for submission onto the August 19, 2014 Mayor and City Council Meeting Agenda  
ITEM: Proposed Property Exchange Between the City and Mrs. Susan Strother

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**Recommendation:**

The City Manager seeks guidance from the Mayor and City Council regarding the proposed exchange of property between the City and Mrs. Susan Strother. The property owned by the City is approximately .04 acres on River Valley Road. The property owned by Mrs. Strother (as Trustee of the Susan M. Strother Revocable Living Trust) is approximately .04 acres on Johnson Ferry Road. All of the subject property is located in Land Lots 125 and 126 of the 17<sup>th</sup> District of Fulton County, Georgia.

**Background:**

Mrs. Susan Strother contacted the City to discuss the challenges with her driveway located at 632 Johnson Ferry Road. As part of the Abernathy Road expansion project, the Georgia Department of Transportation ("GDOT") acquired a substantial portion of her property that fronts Johnson Ferry Road, which included her driveway. The widening of Johnson Ferry and River Valley Road resulted in her driveway being located very close to the intersection of these two roads. As a result, GDOT built her a de-facto driveway across property that it had acquired from other residents on River Valley Road without conveying rights to its use. The property that GDOT acquired is now owned by the City

**Discussion:**

City staff has been meeting with Mrs. Strother in an attempt to find a solution for her authorized driveway access. She and her husband are long-time residents of Sandy Springs, and GDOT left them in a predicament after it built the widened Johnson Ferry Road. As part of the discussions with City staff, Mrs. Strother asked if the City would be willing to do a property exchange with her so that she would own the property upon which the Driveway is located. City staff agreed that this option was a potential solution, and City staff is now proposing that the City exchange .04 acres of its property on River Valley Road (where the Driveway has been built) with .04 acres of her property on Johnson Ferry Road. Staff has verified with an appraiser that the properties to be exchanged are of essentially equal value. The exchange of the property enhances the City's control of use at the corner of Johnson Ferry Road and River Valley Road adjacent to Mrs. Strother's property.

**Alternatives:**

N/A

**Financial Impact:**

There would be a no financial impact upon the City.

**Attachments:**

Exhibits

- Survey
- Appraisal Letter
- Resolution

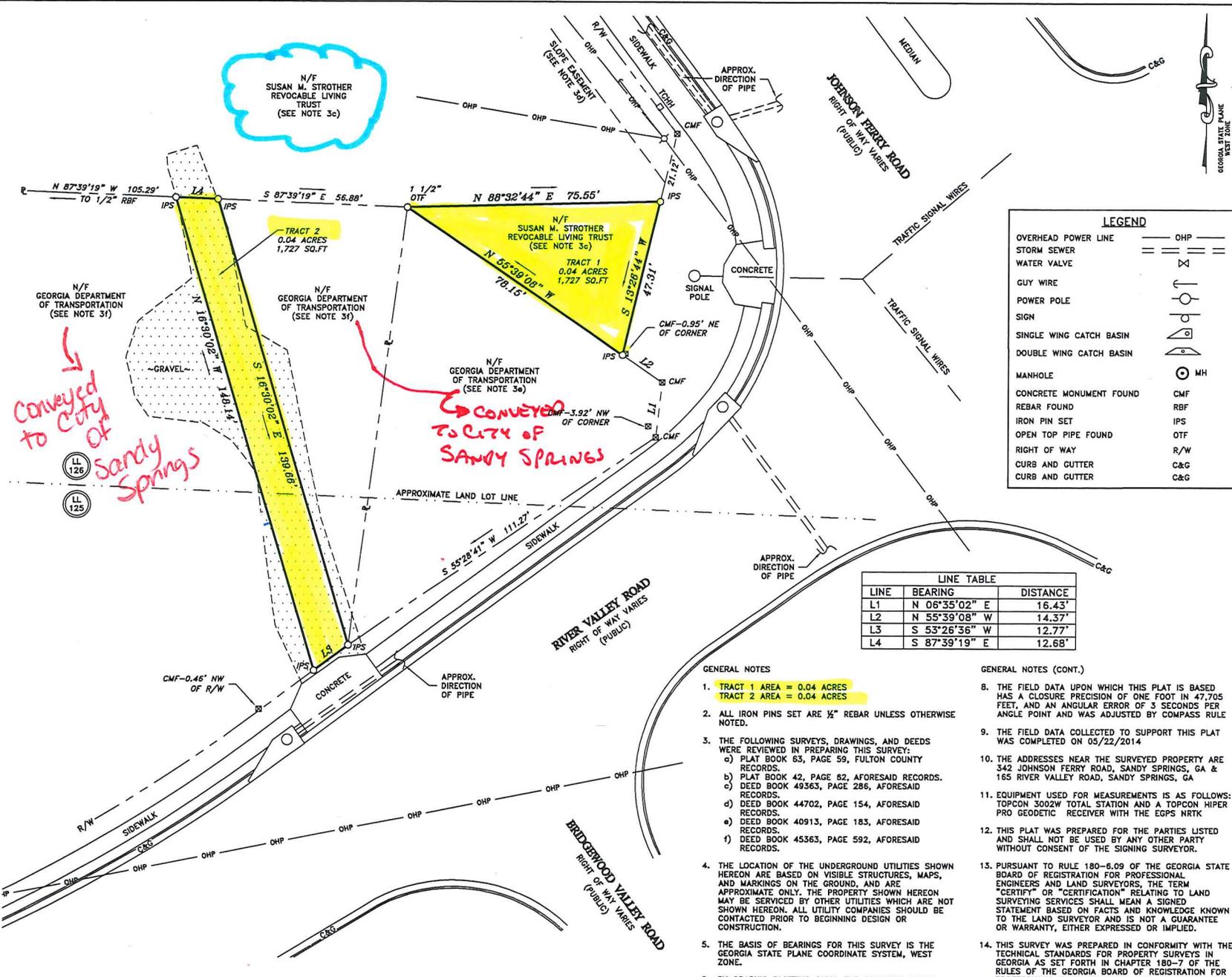


BOUNDARY SURVEY FOR  
**CITY OF SANDY SPRINGS**  
 RIVER VALLEY ROAD & JOHNSON FERRY ROAD  
 LAND LOT 125 & 126, 17th DISTRICT  
 FULTON COUNTY  
 SANDY SPRINGS, GEORGIA

REVISIONS	DATE

DRAWING TITLE  
**BOUNDARY SURVEY**

DWG FILE:		DRAWING NO.:	
DRAWN BY:	JES	JOB NO.:	4191.02
FIELD DATE:	05/22/14	PLAT DATE:	08/07/14
SCALE:	1"=20'	PLAT NO.:	S-1



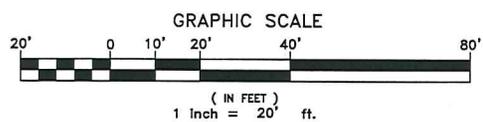
**LEGEND**

OVERHEAD POWER LINE	OHP
STORM SEWER	==
WATER VALVE	⊗
GUY WIRE	—○—
POWER POLE	⊙
SIGN	⊕
SINGLE WING CATCH BASIN	⊖
DOUBLE WING CATCH BASIN	⊖
MANHOLE	⊙ MH
CONCRETE MONUMENT FOUND	CMF
REBAR FOUND	RFB
IRON PIN SET	IPS
OPEN TOP PIPE FOUND	OTF
RIGHT OF WAY	R/W
CURB AND GUTTER	C&G
CURB AND GUTTER	C&G

**LINE TABLE**

LINE	BEARING	DISTANCE
L1	N 06°35'02" E	16.43'
L2	N 55°39'08" W	14.37'
L3	S 53°26'36" W	12.77'
L4	S 87°39'19" E	12.68'

- GENERAL NOTES**
- TRACT 1 AREA = 0.04 ACRES  
TRACT 2 AREA = 0.04 ACRES
  - ALL IRON PINS SET ARE ½" REBAR UNLESS OTHERWISE NOTED.
  - THE FOLLOWING SURVEYS, DRAWINGS, AND DEEDS WERE REVIEWED IN PREPARING THIS SURVEY:
    - PLAT BOOK 63, PAGE 59, FULTON COUNTY RECORDS.
    - PLAT BOOK 42, PAGE 82, AFORESAID RECORDS.
    - DEED BOOK 49363, PAGE 286, AFORESAID RECORDS.
    - DEED BOOK 44702, PAGE 154, AFORESAID RECORDS.
    - DEED BOOK 40913, PAGE 183, AFORESAID RECORDS.
    - DEED BOOK 45363, PAGE 592, AFORESAID RECORDS.
  - THE LOCATION OF THE UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON VISIBLE STRUCTURES, MAPS, AND MARKINGS ON THE GROUND, AND ARE APPROXIMATE ONLY. THE PROPERTY SHOWN HEREON MAY BE SERVICED BY OTHER UTILITIES WHICH ARE NOT SHOWN HEREON. ALL UTILITY COMPANIES SHOULD BE CONTACTED PRIOR TO BEGINNING DESIGN OR CONSTRUCTION.
  - THE BASIS OF BEARINGS FOR THIS SURVEY IS THE GEORGIA STATE PLANE COORDINATE SYSTEM, WEST ZONE.
  - BY GRAPHIC PLOTTING ONLY, THE PROPERTY SHOWN HEREON IS NOT IN ZONE X OF THE FLOOD INSURANCE RATE MAP, MAP NO. 13121C0142F, WHICH BEARS AN EFFECTIVE DATE OF SEPTEMBER 18, 2013 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.
  - THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 62,642 FEET
- GENERAL NOTES (CONT.)**
- THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 47,705 FEET, AND AN ANGULAR ERROR OF 3 SECONDS PER ANGLE POINT AND WAS ADJUSTED BY COMPASS RULE
  - THE FIELD DATA COLLECTED TO SUPPORT THIS PLAT WAS COMPLETED ON 05/22/2014
  - THE ADDRESSES NEAR THE SURVEYED PROPERTY ARE 342 JOHNSON FERRY ROAD, SANDY SPRINGS, GA & 165 RIVER VALLEY ROAD, SANDY SPRINGS, GA
  - EQUIPMENT USED FOR MEASUREMENTS IS AS FOLLOWS: TOPCON 302W TOTAL STATION AND A TOPCON HIPER PRO GEODETIC RECEIVER WITH THE EGPS NRTK
  - THIS PLAT WAS PREPARED FOR THE PARTIES LISTED AND SHALL NOT BE USED BY ANY OTHER PARTY WITHOUT CONSENT OF THE SIGNING SURVEYOR.
  - PURSUANT TO RULE 180-6.09 OF THE GEORGIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, THE TERM "CERTIFY" OR "CERTIFICATION" RELATING TO LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED ON FACTS AND KNOWLEDGE KNOWN TO THE LAND SURVEYOR AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.
  - THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67
  - THE CERTIFICATE OF AUTHORIZATION NUMBER FOR COLUMBIA ENGINEERING IS LSF00902



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**CARR, SIGSBEE & ASSOCIATES, INC.**  
**Real Estate Appraisers and Consultants**

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July 24, 2014

Mr. Cecil McLendon  
Riley McLendon, LLC  
315 Washington Ave.  
Marietta, GA 30060

RE: Property Swap; Johnson Ferry Road at  
River Valley Road; Sandy Springs, Fulton  
County, Georgia

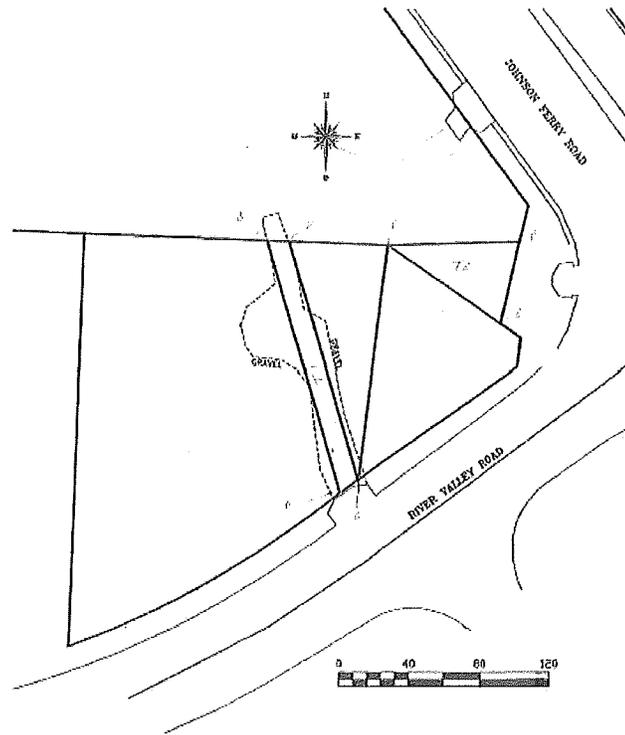
Dear Mr. McClendon:

As requested, we have reviewed documentation related to a proposed property swap at the intersection of Johnson Ferry Road and River Valley Road, within the corporate limits of Sandy Springs, Fulton County, Georgia. It is our understanding that the City of Sandy Springs is contemplating swapping a strip of land proposed for a driveway for an equal amount of land that is currently part of the adjacent property. A driveway would be relocated on this elongated strip. A plat illustrating the proposed lands to be swapped follows:

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Real Estate Appraisers and Consultants

Mr. Cecil McLendon  
Riley McLendon, LLC

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The land currently owned by the property owner serves as yard area for an existing single-family residence. The current drive opens onto Johnson Ferry Road. The proposed property swap would allow the owner to construct an alternative drive that would connect to River Valley Road, a less intensely traveled arterial. An aerial photo illustrating the adjacent property as well as the location of the existing drive follows:

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Mr. Cecil McLendon  
Riley McLendon, LLC

July 24, 2014  
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This is an appraisal consulting assignment that addresses whether or not the two land tracts proposed to be swapped are of equal value.

**Intended Client/Users of the Report**

Mr. Cecil McLendon of Riley McLendon, LLC, as well as representatives of the City of Sandy Springs.

**Intended Use**

The intended use of this appraisal consulting assignment is to consummate a property swap.

**Real Estate/Real Property**

The real estate involved in this proposed exchange involves an existing triangle currently owned by the adjacent property along Johnson Ferry Road to be swapped for an elongated strip that will connect to River Valley Road that is currently owned by the City of Sandy Springs. Both parcels are owned in fee simple by the respective owners.

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**Real Estate Appraisers and Consultants**

Mr. Cecil McLendon  
Riley McLendon, LLC

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**Analysis**

We have not conveyed a specific value for the proposed property swap; however, we have analyzed the relative worth of each in this consulting assignment.

**Conclusions**

Our final conclusion is that the properties to be swapped are of equal unit value, and since both properties contain the same area, 1,729 square feet, we consider them to be of equal value.

If additional information is needed, please advise.

Respectfully,

**CARR, SIGSBEE & ASSOCIATES, INC.**



Dennis H. Carr, MAI  
State of Georgia Certified Real Property Appraiser (CG000384)

## LIMITING CONDITIONS AND ASSUMPTIONS

The analysis and the attached report are made subject to the following conditions and assumptions:

1. Any legal description or plats reported herein are assumed to be accurate. Any sketches, plats, or drawings included herein are included to assist the reader in visualizing the property. We have made no survey of the property and assume no responsibility in connection with such matters.
2. No responsibility is assumed for matters legal in nature. Title is assumed to be good and marketable and in fee simple unless discussed otherwise in the report. The property is considered to be free and clear of existing liens, assessments, and encumbrances, except as noted.
3. The analyst assumes no liability for structural features not visible on an ordinary careful inspection, nor any responsibility for sub-surface conditions.
4. Unless otherwise noted herein, it is assumed that there are no encroachments or zoning violations of any regulations affecting the subject property.
5. The property is assumed to be under competent and aggressive management unless otherwise stated.
6. Certain information used in the report was provided by sources, which are considered reliable but cannot be guaranteed.
7. Any value estimates reported herein apply to the entire property, and any proration or division of the total into fractional interests will invalidate the value estimate, unless such proration or division of interest is set forth in the report.
8. Any division of the land and improvement values estimated herein is applicable only under the program of utilization shown. These separate valuations are invalidated by any other application.
9. We are not required to give testimony or attendance in court by reason of this analysis or report, with reference to the property in question, unless arrangements have previously been made.
10. Neither all nor any part of the contents of this report shall be conveyed to the public through advertising, public relations, news, sales, or other media, without the prior written consent and approval of the author; this limitation pertains to any valuation conclusions, the identity of the analyst or the firm, and any reference to the Appraisal Institute or to the designations.

11. Unless otherwise stated in this report, the existence of hazardous material, which may or may not be present on the property, was not observed by the appraiser. The appraiser has no knowledge of the existence of such materials on or in the property. The appraiser, however, is not qualified to detect such substances. The presence of substances such as petroleum based products, asbestos, urea-formaldehyde foam insulation, or other potentially hazardous materials may have an effect on the value of the property. The value estimate is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for any such conditions, or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field if desired.
  
12. Any forecasts or projections included in this report are utilized to assist in the valuation process and are based upon current market conditions, anticipated short-term supply and demand factors, as well as a stable economy. These forecasts are therefore subject to changes in future conditions, which cannot be accurately predicted by the appraisers and could affect the future income and/or value forecasts.

## CERTIFICATION

I certify that, to the best of my knowledge and belief:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
3. I have no present or prospective interest in the property that is the subject of this report, and no personal interest with respect to the parties involved.
4. I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment, except for any appraisal involvement disclosed in the report.
5. I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
6. My engagement in this assignment was not contingent upon developing or reporting predetermined results.
7. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
8. My analyses, opinions, and conclusions were developed, and this report has been prepared in conformity with the Uniform Standards of Professional Appraisal Practice, as well as the Georgia Real Estate Appraiser Classification and Regulation Act and the Rules and Regulations of the Georgia Real Estate Appraisers Board.
9. I have made a personal inspection of the property that is the subject of this report.
10. Laura Cross, my appraisal associate, provided significant real property appraisal assistance to the person signing this certification.
11. The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.
12. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
13. As of the date of this report, I have completed the continuing education program for Designated Members of the Appraisal Institute.



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Dennis H. Carr, MAI  
State of Georgia Certified General Real Property Appraiser (CG000384)

## **QUALIFICATIONS OF DENNIS H. CARR, MAI**

Currently president of Carr, Sigsbee & Associates, Inc., a real estate appraisal and consulting firm with offices in Atlanta and Conyers, Georgia. Exclusively engaged in real estate consulting and valuation since 1972.

### **Type of Work Performed:**

Experience includes consultation and valuation of varied properties including apartments, hotels and motels, industrial and warehouse properties, shopping centers, office buildings, detached and attached residential developments, farms, various types of land, and special use properties. Interests appraised include fee simple, leasehold, leased fee, various easements, and air rights. Has completed many multiple parcel projects for road construction, airport expansion, greenway acquisitions, utility lines, and rail corridors. Has qualified as expert witness in valuation matters in numerous state and federal courts.

### **Education/Teaching:**

Graduate of the University of Georgia, class of 1971; Bachelor of Business Administration degree with major in Real Estate and Urban Development. Has successfully completed numerous courses and attended numerous seminars on appraisal and appraisal related topics. Has presented seminars on appraisal topics. Previously served as staff instructor for the Georgia Institute of Real Estate (State of Georgia licensing and certification); Co-authored appraisal pre-licensing course known as "Mastering Real Estate Appraisal".

### **Affiliations:**

Appraisal Institute--MAI #6009

Member/Chairman of Several Committees; 1990 Chapter President; Completed Continuing Education Requirements.

Atlanta Board of REALTORS®

Georgia Association of REALTORS®

National Association of REALTORS®

### **State Licensing/Certification:**

State of Georgia Certified General Real Property Appraiser (CG000384) [Renews Annually]

### **Clients:**

Lending institutions, various agencies of federal, state, and local governments, law firms, institutions, and private corporations and individuals.

STATE OF GEORGIA  
COUNTY OF FULTON

**A RESOLUTION TO APPROVE THE PROPERTY EXCHANGE BETWEEN  
THE CITY AND MRS. SUSAN STROTHER OF PROPERTY LOCATED  
IN LAND LOTS 125 AND 126 OF THE 17TH DISTRICT,  
FULTON COUNTY, CITY OF SANDY SPRINGS, GEORGIA**

**WHEREAS**, as part of the Abernathy Road project (“Project”), GDOT acquired land on Johnson Ferry Road and River Valley Road located in Land Lots 125 and 126 of the 17<sup>th</sup> District of Fulton County, City of Sandy Springs, Georgia;

**WHEREAS**, as part of the Project, GDOT built a driveway for Mrs. Susan Strother upon .04 acres of the land acquired by GDOT on River Valley Road;

**WHEREAS**, the City now owns the property on River Valley Road initially acquired by GDOT;

**WHEREAS**, the City and Mrs. Susan Strother, as Trustee of the Susan M. Strother Revocable Living Trust (“Trust”), have agreed for the City to exchange .04 acres of the City owned property on River Valley Road upon which the driveway was built for .04 acres of property owned by the Trust on Johnson Ferry Road so that the Trust will own the property upon which the driveway was built, as more particularly described as set forth in the plat attached hereto; and

**WHEREAS**, the properties are of essentially equal value, and the City and Mrs. Strother, as Trustee, have in good faith agreed to exchange the property for Ten and 00/100 Dollars (\$10.00) and

**WHEREAS**, the Mayor and Council has considered the request to exchange the properties 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 exchange of .04 acres on River Valley Road owned by the City for .04 acres of property on Johnson Ferry Road owned by the Susan M. Strother Revocable Living Trust, said properties being located in Land Lots 125 and 126 of the 17<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 upon approval by legal.

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

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

Attest:

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