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**CITY COUNCIL AGENDA ITEM**

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**TO:** Mayor & City Council                      **DATE:** June 10, 2014

**FROM:** John McDonough, City Manager

**AGENDA ITEM:** Consideration of the Acceptance of a Dedication of a Right of Way Deed as Part of the Zoning Requirements (4040 & 4100 Spalding Drive)

**MEETING DATE:** For Submission onto the June 17, 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:   JTM   APPROVED

PLACED ON AGENDA FOR:   6/17/2014  

CITY ATTORNEY APPROVAL REQUIRED: (  ) YES (  ) NO

CITY ATTORNEY APPROVAL:   [Signature]  

REMARKS:



TO: John McDonough, City Manager

FROM: Garrin M. Coleman, P.E., Public Works Director

DATE: June 5, 2014, for Submission onto the Consent Agenda of the June 17, 2014 City Council Meeting

ITEM: Consideration of the Acceptance of a dedication of a Right of Way Deed as part of the zoning requirements.

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**Recommendation:**

Staff recommends that the Mayor and City Council accept the right of way deed dedicating all that tract or parcel of land lying and located in Land Lot 312 of the 17<sup>th</sup> District, Fulton County, Georgia. The property as shown in the attached exhibits is being dedicated by the property owner, Highgrove Homes, LLC and is more specifically known as being 4040 & 4100 Spalding Drive. The dedicated right of way totals 5,072.00 square feet and is being dedicated as required by conditions of zoning.

**Background:**

Right of way is being dedicated per the requirements/conditions of zoning and the Development Regulation Ordinance. The property owners have paid the recording fees and met the requirements of the Transportation Planning Division of the Public Works Department and the City's Right of Way Specialist for the dedication of the right of way.

**Discussion:**

N/A

**Alternatives:**

N/A

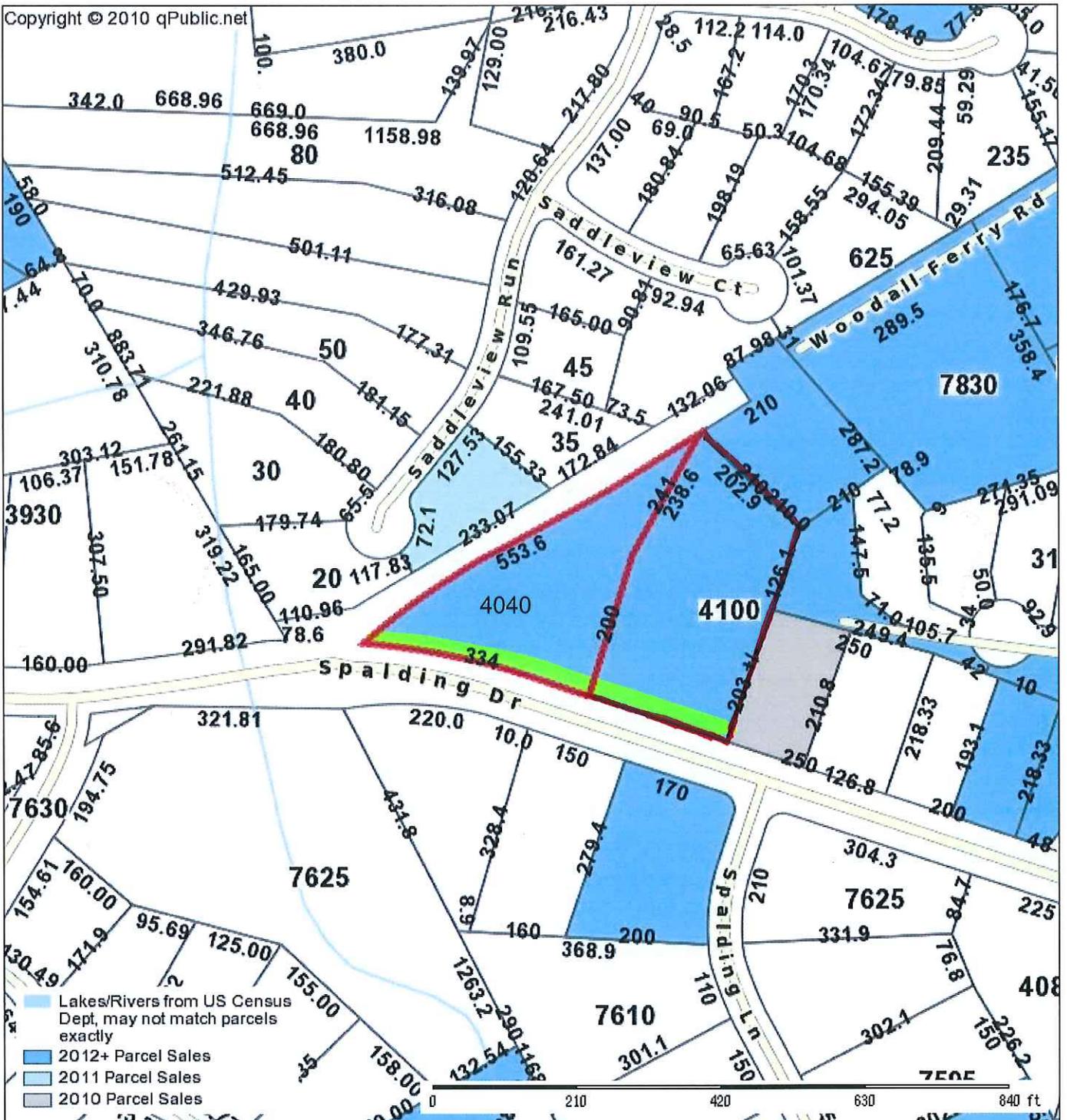
**Financial Impact:**

None. This is a dedication at no cost to the City.

**Attachments:**

- I. Exhibits
  - Aerial and GIS Maps
  - Executed Right of Way Deed of Dedication including Plats and Legal Description
- II. Resolution





Highgrove Homes LLC / ROW Dedication			
Parcel: 06 0312 LL0100 Acres: 0			
Name:	MASSEY W M	Land Value:	53100
Site:	4100+ 4040 SPALDING DR	Building Value:	53100
Sale:	\$400000 on 2013-09-05 Reason=M Qual=U	Misc Value:	
Mail:	USA	Total Value:	106200
	LOGANVILLE, GA 30052-5386		



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: 05/28/14 : 12:11:33

PLEASE RETURN TO:  
City Clerk's Office  
Sandy Springs City Hall  
7840 Roswell Road Bldg 500  
Sandy Springs, Georgia 30350

**RIGHT OF WAY DEED**  
(Dedication by Corporate, LLC, etc. Owner)

**STATE OF GEORGIA**  
**FULTON COUNTY**

THIS INDENTURE, made this 29<sup>th</sup> day of April, 2014, between Highgrove Homes, LLC, as Grantor, and the City of Sandy Springs, GA, a municipal corporation of the State of Georgia, as Grantee.

WITNESSETH: That for and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration in hand paid, the receipt whereof is hereby acknowledged, Grantor does grant and convey unto Grantee, its successors and assigns, the following property, to wit:

That tract of land lying and being in Land Lot 312 of the 6 th District of Fulton County, Georgia and being furthermore described in Deed Book 53,090, Page 429 & Deed Book 5,313, Page 389. Furthermore, the property can be more particularly described in Exhibit "A" and shown on Exhibit "B" both hereby made part of by reference.

It is the intent of both parties that the City of Sandy Springs, Georgia, shall receive fee simple Right of Way along Spalding Dr., with a total depth of 40 feet from existing centerline and equaling 5,072 square feet/ acres for the purpose of road improvements. This dedication is in conjunction with the City of Sandy Springs Community Development Department File No.: 201303947.

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

Grantor(s) will forever warrant and defend the title to the bargained premises unto Grantee, its successors and assigns against the claims of all persons whomsoever.

IN WITNESS WHEREOF Grantor has here unto caused this deed to be executed and its seal affixed hereto the day and year above written.

Signed, sealed and delivered in the presence of:

HIGHGROVE HOMES, LLC

Michael J. Moore  
Unofficial Witness

By: Carter Richardson (SEAL)

Name: Carter Richardson

Title: Asst Mgr

Reiner P. Riutig  
Notary Public



Attest: \_\_\_\_\_ (SEAL)

**EXHIBIT 'A'**

LEGAL DESCRIPTION

**RIGHT OF WAY DEDICATION**

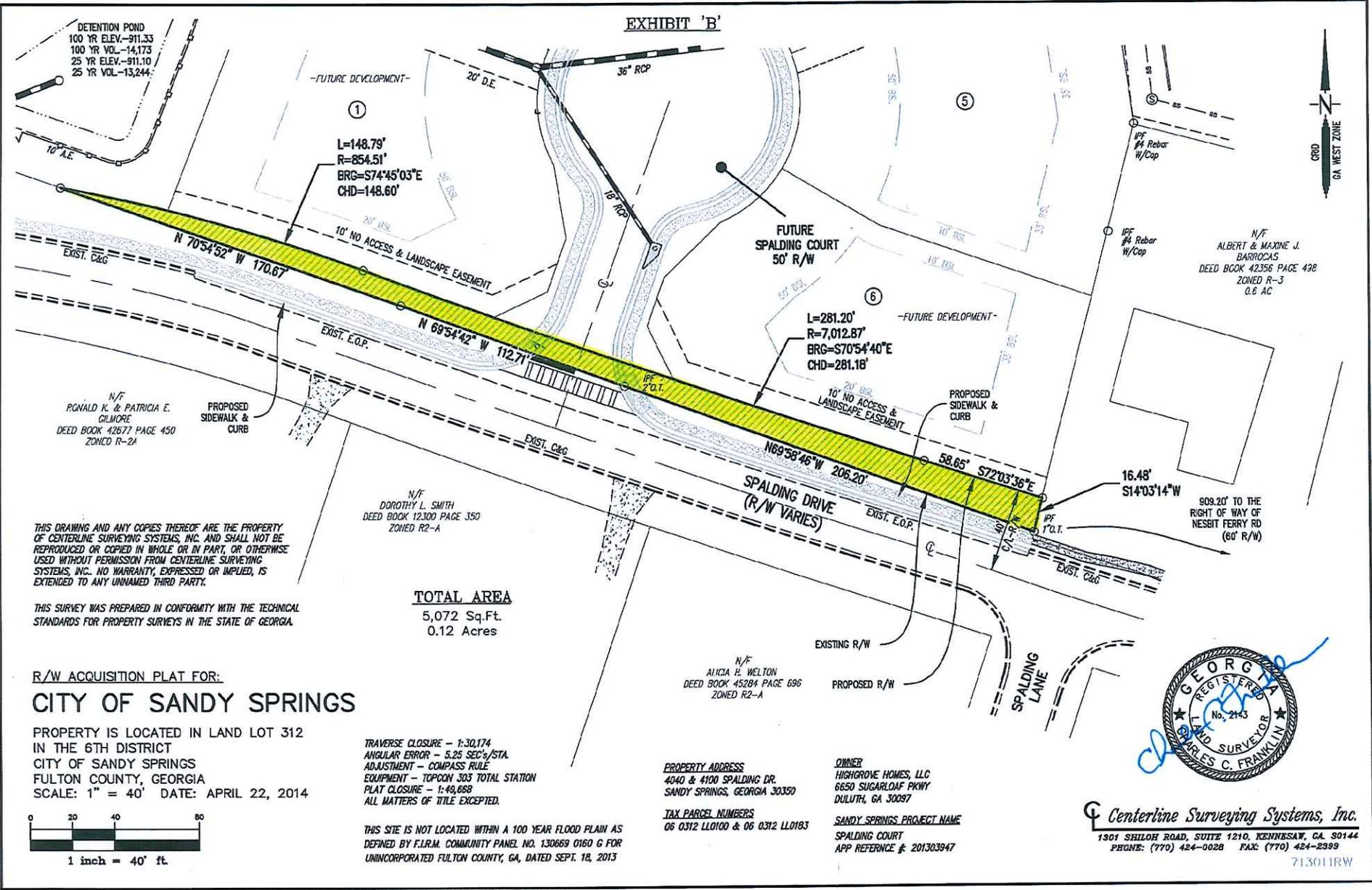
**4040 & 4100 SPALDING DRIVE**

**SANDY SPRINGS, GA 30350**

All that tract or parcel of land lying and being located in Land Lot 312 of the 6th District, Fulton County, Georgia, and being more particularly described as follows:

**COMMENCING** at a point located at the intersection of the Northwesternly right of way of Nesbit Ferry Rd. (60' right of way) and the Northeasterly right of way of Spalding Dr. (variable right of way) and thence running along the Northeasterly right of way of Spalding Dr. for a distance of 909.20 feet to an iron pin found (1" O.T.), said point being the **POINT OF BEGINNING**; thence continuing along the Northeasterly right of way of Spalding Dr. and running N69°58'46"W for a distance of 206.20 feet to an iron pin (2" O.T.); thence continuing along the Northeasterly right of way of Spalding Dr. and running N69°54'42"W for a distance of 112.71 feet to a point; thence continuing along the Northeasterly right of way of Spalding Dr. and running N70°54'52"W for a distance of 170.67 feet to a point; thence leaving said right of way of Spalding Dr. and running along the Highgrove Homes, LLC property along a curve to the right for an arc length of 148.79 feet (said arc having a radius of 854.51 feet and being subtended by a chord of S74°45'03"E – 148.60 feet) to a point; thence continuing along the Highgrove Homes, LLC property and running along a curve to the left for an arc length of 281.20 feet (said arc having a radius of 7,012.87 feet and being subtended by a chord of S70°54'40"E – 281.18 feet) to a point; thence continuing along the Highgrove Homes, LLC property and running S72°03'36"E for a distance of 58.65 feet to a point; thence running along the Albert & Maxine J. Barrocas property S14°03'14"W for a distance of 16.48' to an iron pin (1" O.T.) which is the **POINT OF BEGINNING**. Said tract contains 0.12 acres (5,072 sq.ft.)

**EXHIBIT 'B'**



DETENTION POND  
100 YR ELEV.-911.33  
100 YR VOL.-14,173  
25 YR ELEV.-911.10  
25 YR VOL.-13,244

L=148.79'  
R=854.51'  
BRG=S74°45'03"E  
CHD=148.60'

FUTURE SPALDING COURT  
50' R/W

L=281.20'  
R=7,012.87'  
BRG=S70°54'40"E  
CHD=281.18'

N/F  
ALBERT & MAXINE J.  
BARROCAS  
DEED BOOK 42356 PAGE 498  
ZONED R-3  
0.6 AC

N/F  
RONALD K. & PATRICIA E.  
GILMORE  
DEED BOOK 42677 PAGE 450  
ZONED R-2A

N/F  
DOROTHY L. SMITH  
DEED BOOK 12300 PAGE 350  
ZONED R2-A

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THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL  
STANDARDS FOR PROPERTY SURVEYS IN THE STATE OF GEORGIA.

**TOTAL AREA**  
5,072 Sq.Ft.  
0.12 Acres

N/F  
ALICIA H. WELTON  
DEED BOOK 45284 PAGE 696  
ZONED R2-A

**R/W ACQUISITION PLAT FOR:  
CITY OF SANDY SPRINGS**

PROPERTY IS LOCATED IN LAND LOT 312  
IN THE 6TH DISTRICT  
CITY OF SANDY SPRINGS  
FULTON COUNTY, GEORGIA  
SCALE: 1" = 40' DATE: APRIL 22, 2014

TRAVERSE CLOSURE - 1:30,174  
ANGULAR ERROR - 5.25 SEC/STA  
ADJUSTMENT - COMPASS RULE  
EQUIPMENT - TOPCON 303 TOTAL STATION  
PLAT CLOSURE - 1:49,668  
ALL MATTERS OF TITLE EXCEPTED.

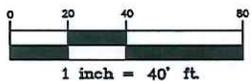
**PROPERTY ADDRESS**  
4040 & 4100 SPALDING DR.  
SANDY SPRINGS, GEORGIA 30350

**OWNER**  
HIGHGROVE HOMES, LLC  
6650 SUGARLOAF PKWY  
DULUTH, GA 30097

**TAX PARCEL NUMBERS**  
06 0312 LL0100 & 06 0312 LL0183

**SANDY SPRINGS PROJECT NAME**  
SPALDING COURT  
APP REFERENCE #: 201303947

THIS SITE IS NOT LOCATED WITHIN A 100 YEAR FLOOD PLAIN AS  
DEFINED BY F.I.R.M. COMMUNITY PANEL NO. 130669 0160 G FOR  
UNINCORPORATED FULTON COUNTY, GA, DATED SEPT. 18, 2013



**Centerline Surveying Systems, Inc.**  
1301 SHILOH ROAD, SUITE 1210, KENNESAW, GA. 30144  
PHONE: (770) 424-0028 FAX: (770) 424-2389  
713011RW

STATE OF GEORGIA  
COUNTY OF FULTON

**A RESOLUTION TO ACCEPT THE DEDICATION OF RIGHT OF WAY  
ON PROPERTY LOCATED IN LAND LOT 312 OF THE 17<sup>th</sup> DISTRICT,  
FULTON COUNTY, CITY OF SANDY SPRINGS, GEORGIA**

**WHEREAS**, it is necessary, from time to time, to establish policies, procedures and guidelines consistent with the administration of a municipal government consistent with the US Constitution, Federal Statutes, alignment with Federal, Georgia's State Constitution, and the Charter for the City of Sandy Springs, and

**WHEREAS**, the City Manager directed the Department of Public Works to develop standard policies for recurring matters, to establish appropriate internal controls and legal compliance, and to provide for an efficient and effective means to serve constituents; and

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

That they approve the acceptance of the dedication of a Right of Way Deed from Highgrove Homes, LLC, on property more particularly described as 4040 & 4100 Spalding Drive in Sandy Springs, Georgia.

As required per conditions of zoning and or land development regulation ordinance, the City authorizes the acceptance of the required 5,072.00 Square Feet of Right of Way along Spalding Drive in land lot 312 of the 17<sup>th</sup> District, Fulton County, City of Sandy Springs, Georgia.

**RESOLVED** this the 17<sup>th</sup> day of June, 2014.

Approved:

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

Attest:

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