



CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council

DATE: March 25, 2014

FROM: John McDonough, City Manager

AGENDA ITEM: Acceptance of the Agreement to Purchase Real Estate in Connection with the T-6012-1 Mount Paran Road Sidewalks Project (91 Mount Paran Road)

MEETING DATE: For Submission onto the April 1, 2014, City Council Regular Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Exhibits
Resolution

APPROVAL BY CITY MANAGER: JAM APPROVED

PLACED ON AGENDA FOR: 4/1/2014

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: SM

REMARKS:



TO: John McDonough, City Manager

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

DATE: March 20, 2014, for Submission onto the Consent Agenda of the April 1, 2014 City Council Meeting

ITEM: Acceptance of the Agreement to Purchase Real Estate in connection with the T-6012-1 Mount Paran Road Sidewalks Project

Recommendation:

Staff recommends that the Mayor and City Council accept the Agreement to Purchase Real Estate on that tract or parcel of land lying and located in Land Lot 92 of the 17th District, Fulton County, Georgia. The property as shown in the attached exhibit is owned by Joanne M. Zahner and the property is located at 91 Mount Paran Road, Sandy Springs, Georgia. The agreement to purchase fee simple right of way area consists of 276.90 square feet.

Background:

The acquisition of a small area of fee simple right of way and various improvements within the acquisition area from the Owner is necessary in order to construct the aforementioned sidewalk project.

Discussion:

The owner disputed the existing right of way line along Mt. Paran Road. The City undertook a boundary survey to resolve the issue. It was determined that extensive landscaping and various improvements were located in the required right of way. The Owner agreed to a negotiated value of \$8,240.00 for the required property rights and related improvements.

Alternatives:

The City could elect to construct a sub-standard sidewalk section in the existing right of way, however, this could create a safety concern for pedestrians. Another alternative could be for the City to forego construction of this project.

Financial Impact:

Financial impact to the City will be the agreed upon compensation figure of \$8,240.00.

Attachments:

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



TO: John McDonough, City Manager

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

DATE: March 20, 2014, for Submission onto the Consent Agenda of the April 1, 2014 City Council Meeting

ITEM: Acceptance of the Agreement to Purchase Real Estate in connection with the T-6012-1 Mount Paran Road Sidewalks Project

Recommendation:

Staff recommends that the Mayor and City Council accept the Agreement to Purchase Real Estate on that tract or parcel of land lying and located in Land Lot 92 of the 17th District, Fulton County, Georgia. The property as shown in the attached exhibit is owned by Joanne M. Zahner and the property is located at 91 Mount Paran Road, Sandy Springs, Georgia. The agreement to purchase fee simple right of way area consists of 276.90 square feet.

Background:

The acquisition of a small area of fee simple right of way and various improvements within the acquisition area from the Owner is necessary in order to construct the aforementioned sidewalk project.

Discussion:

The owner disputed the existing right of way line along Mt. Paran Road. The City undertook a boundary survey to resolve the issue. It was determined that extensive landscaping and various improvements were located in the required right of way. The Owner agreed to a negotiated value of \$8,240.00 for the required property rights and related improvements.

Alternatives:

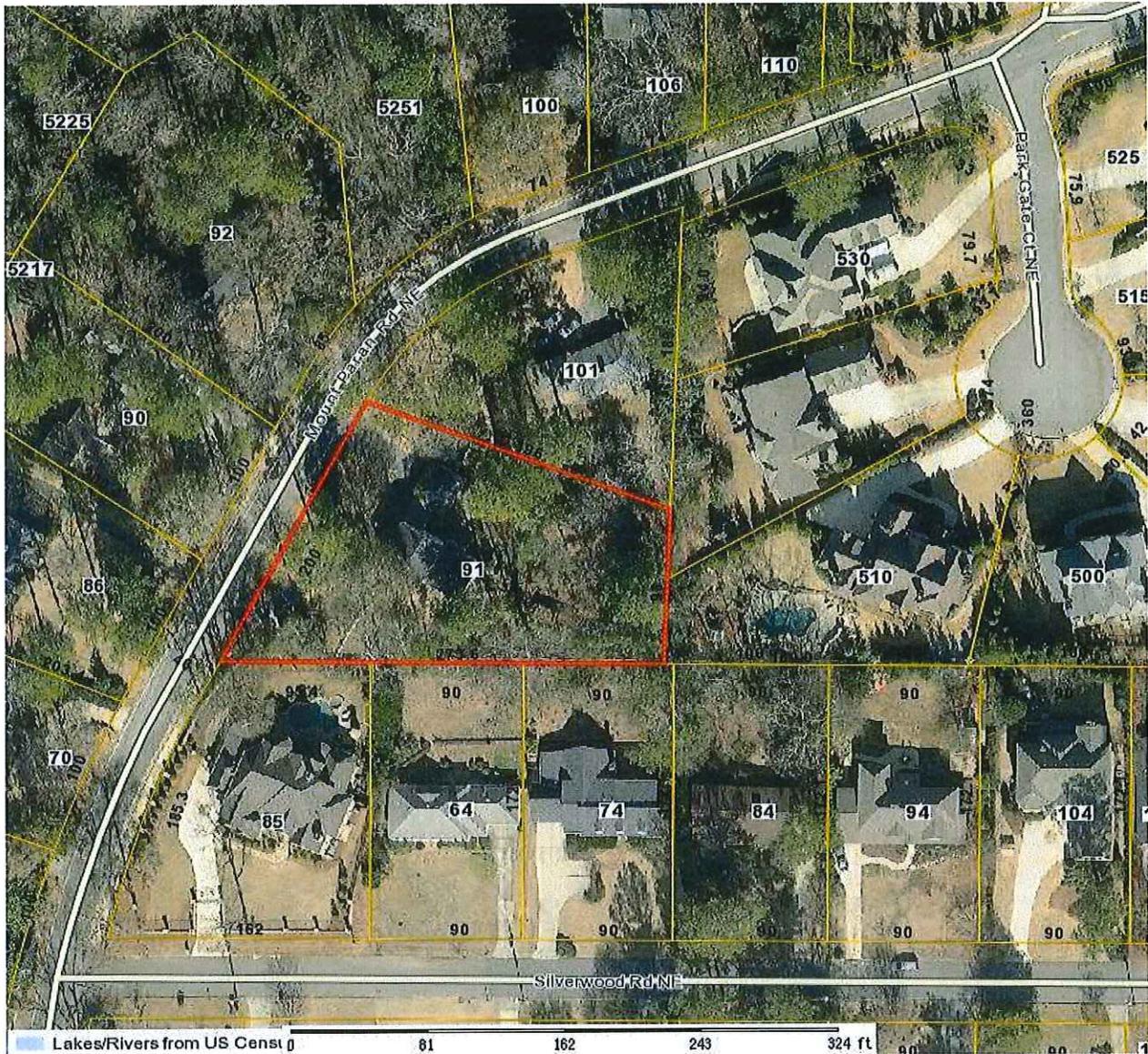
The City could elect to construct a sub-standard sidewalk section in the existing right of way, however, this could create a safety concern for pedestrians. Another alternative could be for the City to forego construction of this project.

Financial Impact:

Financial impact to the City will be the agreed upon compensation figure of \$8,240.00.

Attachments:

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



91 Mt. Paran Road / Joanne M. Zahner / Agreement to Purchase Real Estate

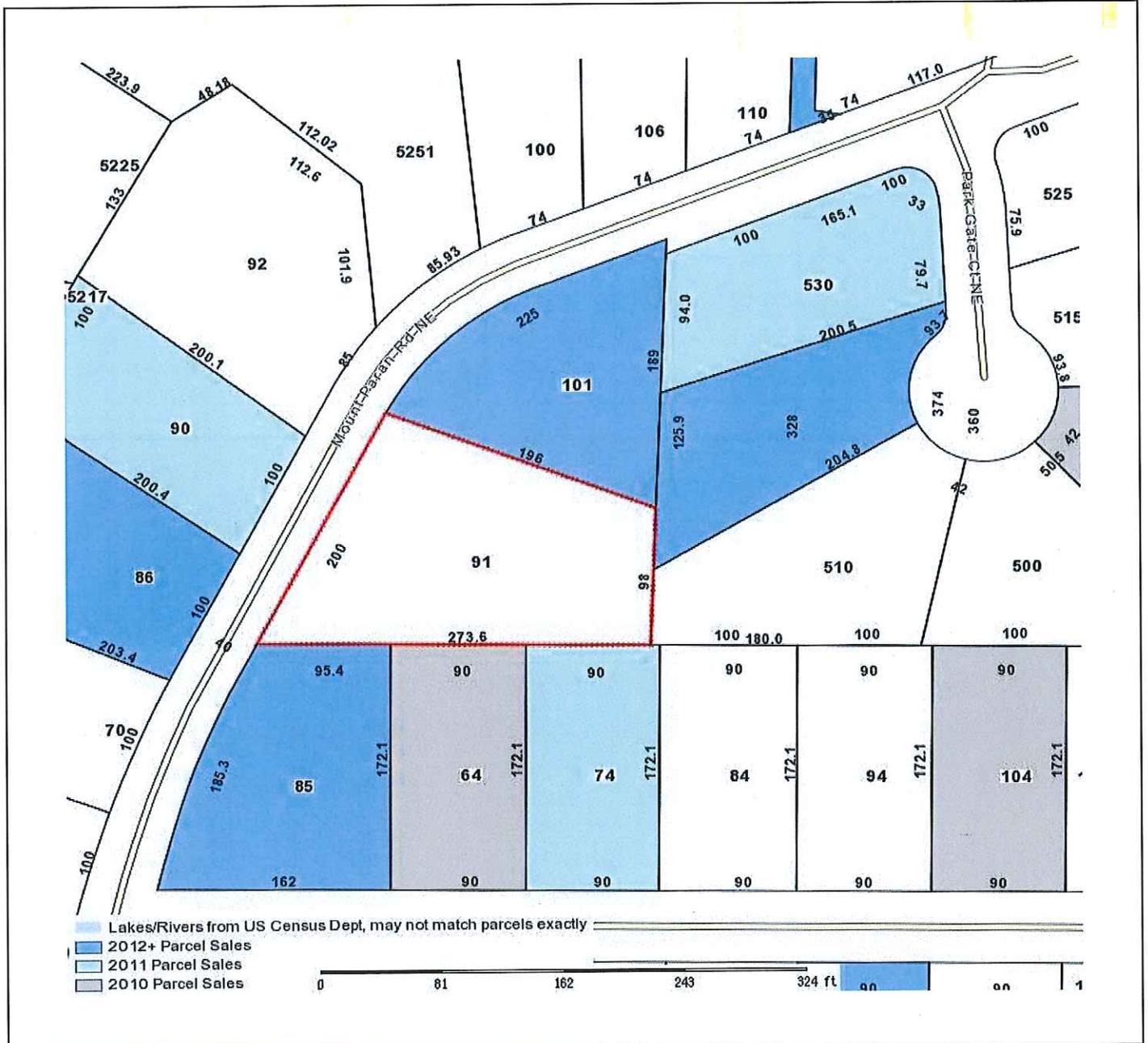
Parcel: 17 009200010333 Acres: 0

| | | | |
|-------|--|----------------|------------|
| Name: | ZAHNER JOANNE M | Land Value | \$ 184,100 |
| Site: | 91 MOUNT PARAN RD | Building Value | \$ 146,200 |
| Sale: | \$ 88,000 on 1981-10-28 Reason=U Qual=9 | Misc Value | 0 |
| Mail: | 91 MOUNT PARAN RD NE SANDY SPRINGS, GA 30342-2244 | Total Value: | \$ 330,300 |
| | | | |
| | | | |



The Fulton County Assessor's Office 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. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY NEITHER FULTON COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS ---THIS IS NOT A SURVEY---

Date printed: 03/14/14 : 09:49:27



| 91 Mt. Paran Road / Joanne M. Zahner / Agreement to Purchase Real Estate | | | |
|--|--|----------------|------------|
| Parcel: 17 009200010333 Acres: 0 | | | |
| Name: | ZAHNER JOANNE M | Land Value | \$ 184,100 |
| Site: | 91 MOUNT PARAN RD | Building Value | \$ 146,200 |
| Sale: | \$ 88,000 on 1981-10-28 Reason=U Qual=9 | Misc Value | 0 |
| Mail: | 91 MOUNT PARAN RD NE SANDY SPRINGS, GA 30342-2244 | Total Value: | \$ 330,300 |
| | | | |
| | | | |



The Fulton County Assessor's Office 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. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY NEITHER FULTON COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS ---THIS IS NOT A SURVEY---

Date printed: 03/14/14 : 09:47:32

AGREEMENT TO PURCHASE REAL ESTATE

Joanne M. Zahner
91 Mount Paran Road
Sandy Springs, GA 30342

RE: City of Sandy Springs- T-6012-1- Mt. Paran Road Sidewalks
From Roswell Road to Helmsley Drive

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:

Fee Simple Right of Way through that tract or parcel of land located in Land Lot 92 of the 17th 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 \$8,240.00, the undersigned agrees to execute and deliver to the City of Sandy Springs, fee simple title to the lands owned by the undersigned as reflected on the attached Exhibits "A" and "B".

* * * * *

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.

276.90 Square Feet of Fee Simple Right of Way

- 3) All Temporary Easements (if any) 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 10th day of February, 2014.

Signed, Sealed and Delivered
in the presence of:

[Signature]
Unofficial Witness

[Signature] (L.S.)
Joanne M. Zahner

[Signature]
Notary Public

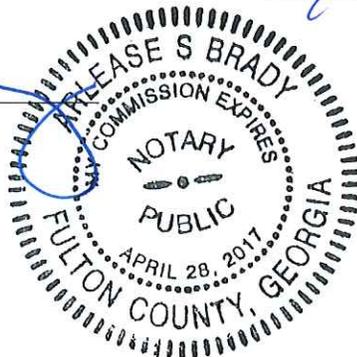


EXHIBIT "A"
(PAGE 1 OF 2)

PROJECT: T-6012-1
91 MT PARAN ROAD / ZAHNER
PARCEL NO. 8

REQUIRED RIGHT-OF-WAY LEGAL DESCRIPTION:

ALL THAT TRACT or parcel of land lying and being in Land Lot 92 of the 17th District, City of Sandy Springs, Fulton County, Georgia and being more particularly described as follows:

BEGINNING at a 1" open top pipe found, said open top being 19.60 feet right and opposite of Station 132+38.10 on City of Sandy Springs Roadway Improvement Project No. T-6012-1; THENCE proceeding NORTH 28 DEGREES 48 MINUTES 25 SECONDS EAST a distance of 198.50 feet to a #4 re-bar found; THENCE proceeding SOUTH 66 DEGREES 29 MINUTES 32 SECONDS EAST a distance of 2.46 feet to a point; THENCE proceeding along the arc of a curve to the left having a radius of 141.05 feet and an arc length of 3.88 feet, said point being subtended by a chord bearing SOUTH 28 DEGREES 46 MINUTES 13 WEST a chord distance of 3.88 feet to a point; THENCE proceeding along the arc of a curve to the left having a radius of 190.12 feet and an arc length of 8.75 feet, said point being subtended by a chord bearing SOUTH 30 DEGREES 05 MINUTES 19 SECONDS WEST a chord distance of 8.75 feet to a point; THENCE proceeding SOUTH 29 DEGREES 22 MINUTES 50 SECONDS WEST a distance of 185.88 feet to point; THENCE proceeding SOUTH 89 DEGREES 39 MINUTES 36 WEST a distance of 0.46 feet and POINT OF BEGINNING. **Said parcel contains 276.9 Square Feet or 0.006 Acres.**

TEMPORARY DRIVEWAY CONSTRUCTION EASEMENT #1:

ALL THAT TRACT or parcel of land lying and being in Land Lot 92 of the 17th District, City of Sandy Springs, Fulton County, Georgia and being more particularly described as follows:

BEGINNING at a point 20.00 feet right and opposite of Station 132+47.58 on City of Sandy Springs Roadway Improvement Project No. T-6012-1; THENCE proceeding NORTH 29 DEGREES 22 MINUTES 50 SECONDS EAST a distance of 41.12 feet to a point; THENCE proceeding SOUTH 75 DEGREES 21 MINUTES 27 SECONDS EAST a distance of 3.42 feet to a point; THENCE proceeding SOUTH 23 DEGREES 48 MINUTES 29 SECONDS EAST a distance of 16.65 feet to a point; THENCE proceeding SOUTH 56 DEGREES 50 MINUTES 34 SECONDS WEST a distance of 36.08 feet and POINT OF BEGINNING. **Said parcel contains 364.4 Square Feet or 0.008 Acres.**

EXHIBIT "A"
(PAGE 2 OF 2)

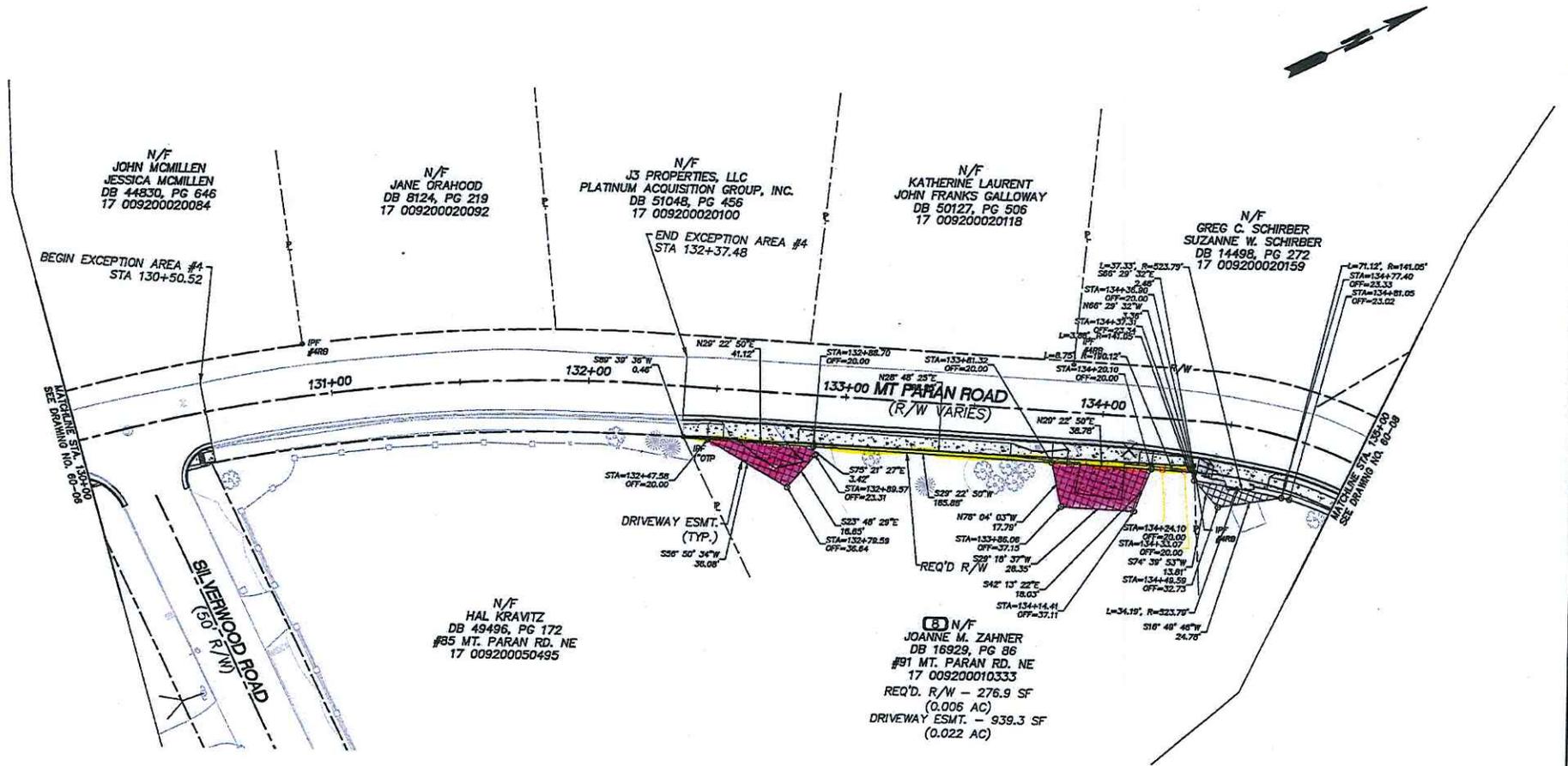
TEMPORARY DRIVEWAY CONSTRUCTION EASEMENT #2:

ALL THAT TRACT or parcel of land lying and being in Land Lot 92 of the 17th District, City of Sandy Springs, Fulton County, Georgia and being more particularly described as follows:

BEGINNING at a point 20.00 feet right and opposite of Station 133+81.32 on City of Sandy Springs Roadway Improvement Project No.T-6012-1; THENCE proceeding NORTH 29 DEGREES 22 MINUTES 50 SECONDS EAST a distance of 38.78 feet to a point; THENCE proceeding SOUTH 42 DEGREES 13 MINUTES 22 SECONDS EAST a distance of 18.03 feet to a point; THENCE proceeding SOUTH 29 DEGREES 18 MINUTES 37 SECONDS WEST a distance of 28.35 feet to a point; THENCE proceeding NORTH 76 DEGREES 04 MINUTES 03 SECONDS WEST a distance of 17.79 feet and POINT OF BEGINNING. **Said parcel contains 575.0 Square Feet or 0.013 Acres.**

EXHIBIT "B"

| | | | |
|---------------|----------------|-----------|--------------|
| CITY | PROJECT NUMBER | SHEET NO. | TOTAL SHEETS |
| SANDY SPRINGS | T-6012-1 | 96 | 101 |



| | | |
|-------------------------------|----------------------|-----|
| PROPERTY AND E.L. R/W LINE | Storm Pipe | T |
| SURF R/W LINE | TELEPHONE LINE | Z |
| INSTRUCTION LIMITS | OH POWER LINE | P |
| MAINTENANCE EASEMENT FOR | UG POWER LINE | W |
| WIDENING | water line | FO |
| PROXY EASEMENT FOR | Gas line | CAS |
| CONSTRUCTION | SANITARY SEWER LINE | CS |
| DRIVEWAYS | LEACHING CONDUIT | RS |
| MAINTENANCE DRAINAGE EASEMENT | RETAINING WALL | RS |
| | Limit of disturbance | |



SEI
SOUTHEASTERN ENGINEERING, INC.
2479 Sandy Plains Road, Marietta, Georgia 30066
404.770.2411 • 404.770.2111 • 404.770.2111



| REVISION DATES |
|----------------|
| |
| |
| |

| | |
|--|---------------|
| CITY OF SANDY SPRINGS PUBLIC WORKS DEPARTMENT | |
| OFFICE: PUBLIC WORKS | DATE: 12/6/13 |
| RIGHT OF WAY PLAN | |
| ROADWAY IMPROVEMENTS MT. PARAN ROAD | |
| SHEET NO. 60-07 | |

STATE OF GEORGIA
COUNTY OF FULTON

**A RESOLUTION TO ACCEPT THE AGREEMENT TO PURCHASE REAL ESTATE ON
PROPERTY LOCATED IN LAND LOT 92 OF THE 17th DISTRICT, CITY OF SANDY SPRINGS,
FULTON COUNTY, 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

WHEREAS, the Department of Public Works, in response to the guidance provided by the City Manager, has reviewed and approves the acceptance of the Agreement to Purchase Real Estate by the City of Sandy Springs for the property located at 91 Mount Paran Road, from Joanne M. Zahner in Land Lot 92 of the 17th District, Fulton County, City of Sandy Springs, Georgia

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

To facilitate the installation of a tornado warning siren, the City approves the acceptance of the Agreement to Purchase Real Estate on property located in Land Lot 92 of the 17th District, Fulton County, City of Sandy Springs, Georgia.

RESOLVED this 1st day of April, 2014.

APPROVED:

Russell K. Paul

Attest:

Michael Casey, City Clerk
(Seal)