



CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council

DATE: February 25, 2014

FROM: John McDonough, City Manager

AGENDA ITEM: Resolution to authorize the use of eminent domain to acquire property located at 6196 Roswell Road, N.E., Sandy Springs, Georgia, Parcel ID: 17-0089-0004-031-9 ("Property") for public use

MEETING DATE: For Submission onto the March 4, 2014, City Council Regular Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Resolution
Exhibit

APPROVAL BY CITY MANAGER: JFM APPROVED

PLACED ON AGENDA FOR: 3/4/2014

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: WKEW

REMARKS:



To: Honorable Mayor and City Council Members

From: Wendell K. Willard

Date: For Submission on the March 4, 2014 City Council Meeting Agenda

Item: Resolution to authorize the use of eminent domain to acquire property located at 6196 Roswell Road, N.E., Sandy Springs, Georgia, Parcel ID: 17-0089-0004-031-9 ("Property") for public use

City Attorney's Recommendation:

The City Attorney's Office recommends that the Council approve the attached resolution authorizing the use of eminent domain to acquire the above-referenced Property.

Background and Discussion:

The Property is owned by Nancy G. Clamp, and is currently leased by a tenant operating a dry cleaning business known as Master Kleen. The Property is within the scope of the City Center Master Plan and acquisition of fee simple interest in the Property is necessary for development of the City Center in accordance with the Master Plan. The purpose for which the Property will be acquired constitutes a "public use" under Georgia eminent domain law.

The City Attorney has acted in good faith and has made every reasonable effort to acquire the Property by negotiation. An appraisal has been obtained on the Property and the City has offered the owners the appraised value of \$680,000. These efforts to acquire the Property by negotiation have not been successful to date; therefore, the City now seeks to obtain fee simple interest in the Property by condemnation.

Attachments:

Resolution to acquire the Property by the use of eminent domain.

Alternatives:

Determine not to acquire the Property by the use of eminent domain.

STATE OF GEORGIA
COUNTY OF FULTON

A RESOLUTION TO AUTHORIZE THE USE OF EMINENT DOMAIN TO ACQUIRE PROPERTY LOCATED AT 6196 ROSWELL ROAD, N.E., SANDY SPRINGS, GEORGIA, PARCEL ID: 17-0089-0004-031-9 FOR PUBLIC USE

WHEREAS, the City of Sandy Springs (“City”) has determined that it is necessary to develop a City center and infrastructure project (“Project”); and

WHEREAS, on December 18, 2012, the City adopted a City Center Master Plan following a comprehensive study conducted by an independent firm; and

WHEREAS, the City Center Master Plan contemplates acquisition by the City of certain property within the City limits for use as, among other things, a City government complex, green space, parks and rights-of-way for channels of trade and travel; and

WHEREAS, such uses constitutes “public use” within the meaning of O.C.G.A. § 22-1-1, et seq. (“Act”); and

WHEREAS, the property located at 6196 Roswell Road (“Property”) is property within the scope of the Project, and therefore the City desires to acquire fee simple interest in the Property to accomplish the Project; and

WHEREAS, the City Attorney has caused to be conducted an appraisal of the Property and the owner or his/her designated representatives were given an opportunity to accompany the appraiser during inspection of the property; and

WHEREAS, the City has offered the owner of the Property its November 19, 2012 appraised value of \$680,000.00 to acquire fee simple title; and

WHEREAS, the City has funds available to purchase the Property; and

WHEREAS, the City Attorney has made every reasonable effort to acquire the Property expeditiously by negotiation; and

WHEREAS, the City has been unable to reach an agreement with the Property owner to acquire the Property; and

WHEREAS, the Mayor and City Council deem it in the public interest to acquire fee simple title to the Property to insure timely implementation and completion of the Project consistent with the City Center Master Plan; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sandy Springs, Georgia, while in regular session on March 4, 2014, at 6:00 p.m. as follows:

1. The Council hereby authorizes the City Attorney's Office to acquire, through the use of eminent domain by any method allowed by law, the Property, located at 6196 Roswell Road, Parcel ID: 17-0089-0004-031-9, in order to insure the timely completion of the Project.
2. The Mayor is specifically authorized to execute any documents necessary to further the filing of any petition related to the same.
3. The Property sought to be acquired is more fully described in Exhibit "A" attached hereto and incorporated herein by reference.

RESOLVED this the ____ day of _____, 2014.

Approved:

Rusty Paul, Mayor

Attest:

Michael Casey, City Clerk

(SEAL)

EXHIBIT "A"

PROPERTY DESCRIPTION

Tract 1

All that tract or parcel of land lying and being in Land Lot 89 of the 17th District of Fulton County, Georgia, being lots 4, 5 and 6 of the property of W. O. Hardeman, as per plat made by Gordon Nalley, Engineer, on June 13, 1935, recorded in Plat Book 17, Page 105, Fulton County Records, more particularly described as follows:

Beginning at the intersection of the west side of Roswell Road with the northwesterly side of Mount Vernon Highway; running thence in a southwesterly direction along the northwest side of Mount Vernon Highway ninety-seven and four tenths (97.4) feet to lot 7 of said property; thence north along the east line of lot 7 one hundred nine and five-hundredths (109.05) feet to lot 3, said property; thence in an easterly direction along the south line of lot 3 ninety-two and five tenths (92.5) feet to a point on the west side of Roswell Road; thence south along the west side of Roswell Road eighty and six-tenths (80.6) feet to the point of beginning.

Tract 2

All that tract or parcel of land lying and being in Land Lot 89 of the 17th District of Fulton County, Georgia, and being more particularly described as follows:

Beginning at an iron pin on the northwesterly side of Mount Vernon Highway ninety-seven and four-tenths (97.4) feet southwesterly along said street from the intersection with the west side of Roswell Road, said beginning point being at the southwest corner of Tract 1 above; thence southwesterly along the northwestern side of Mount Vernon Highway ninety-eight and fifty five hundredths (98.55) feet, thence in a northerly direction along a line forming an interior angle of 75 degrees and 15 minutes with the line last run one hundred sixty four and seven tenths (164.7) feet to an iron pin at the southwest corner of the property conveyed by W. O. Hardeman to O. C. Echols by warranty deed dated December 29, 1933, recorded in deed book 1500 page 127 Fulton County records, as corrected by the warranty deed between said parties dated July 1, 1935, recorded in deed book 1558 page 545 Fulton County records; thence southeasterly along the southerly line of said Echols property one hundred and four tenths (100.4) feet to an iron pin; thence in a southerly direction along a line forming an interior angle of 90 degrees and 25 minutes with the line last run sixty eight and five tenths (68.5) feet to an iron pin; thence in a southerly direction along a line forming an interior angle of 184 degrees and 30 minutes with the line last run sixty three and two tenths (63.2) feet to the northwesterly side of Mount Vernon Highway and the point of beginning, as shown by plat of survey of property of Robert W. Johnson, Jr., made by C. R. Roberts, Registered Engineer, dated August 23, 1951 recorded in plat book 44 page 13-a Fulton County records.