



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 5925 Roswell Road (Parcel #8)

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

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Exhibits
Resolution

APPROVAL BY CITY MANAGER: JFM APPROVED

PLACED ON AGENDA FOR: 3/4/2014

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: wkw

REMARKS:



TO: Mayor and Council

FROM: Wendell Willard, City Attorney

DATE: February 25, 2014

ITEM: Resolution to authorize the use of eminent domain to acquire property located at 5925 Roswell Road (Parcel #8).

Public Works Department's Recommendation:

The City Attorney recommends that the Mayor and City Council approve the attached Resolution authorizing the use of eminent domain in connection with the Cliftwood Drive to Hammond Drive Sidewalk Project (T-008 / STP-0002-00(310)) for the purpose of acquiring property located at 5925 Roswell Road, lying within Land Lot 90 of the 17th District.

Background:

The Cliftwood Drive to Hammond Drive Sidewalk Project is a sidewalk improvement project along Roswell Road. In relation to the Project, the City entered into a Reimbursable Contract with the Georgia Department of Transportation under which the City shall be reimbursed for a total not to exceed \$612,120.00 upon completion and certification of the project.

The property located at 5925 Roswell Road is currently a Chick-Fil-A restaurant business that is leased from the landlord, Roswell Road Associates, L.P. The acquisition of 962.02 square feet of temporary construction easement is required for the construction of the above referenced project. Negotiations have taken place; however, the landlord has been unable to obtain the consent of the tenant.

Pursuant to the terms of the City's Contract with the Georgia Department of Transportation, the necessary property rights must be acquired expeditiously to avoid any negative impact on the project's funding reimbursement.

Discussion:

The amount of the independent fair market value appraisal is \$4,400.00.

Alternatives:

The City could choose not to acquire the necessary rights via eminent domain; however, any delay could result in deadlines not being met and funding for the project could be negatively affected.



Financial Impact:

Purchase of this property has been budgeted in the T-008 Roswell Road Enhancements from Cliftwood Drive to Hammond Drive project's budget.

Attachments:

I. Exhibits

- Aerial and GIS Maps
- Project Plans
- Legal Descriptions

II. Resolution



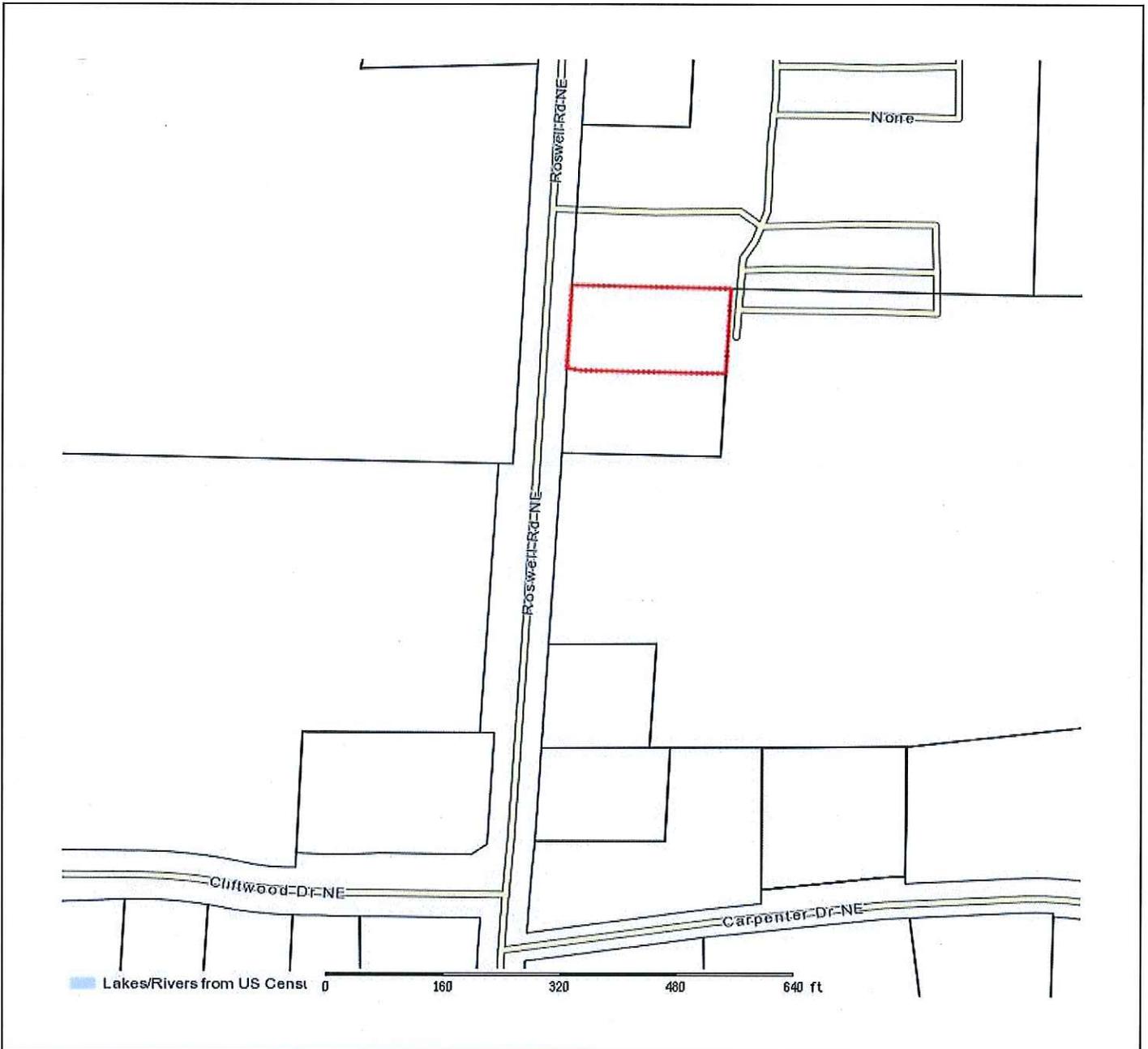
Lakes/Rivers from US Census 0 160 320 480 640 ft

T-008 Parcel #8 / Roswell Road Associates, L.P.			
Parcel: 17 0090 LL0535 Acres: 0			
Name:	ROSWELL ROAD ASSOC L P	Land Value	\$ 692,600
Site:	5925 ROSWELL RD	Building Value	\$ 607,400
Sale:		Misc Value	0
Mail:	3756 LAVISTA RD STE 200	Total Value:	\$ 1,300,000
	TUCKER, GA 30084-5621		

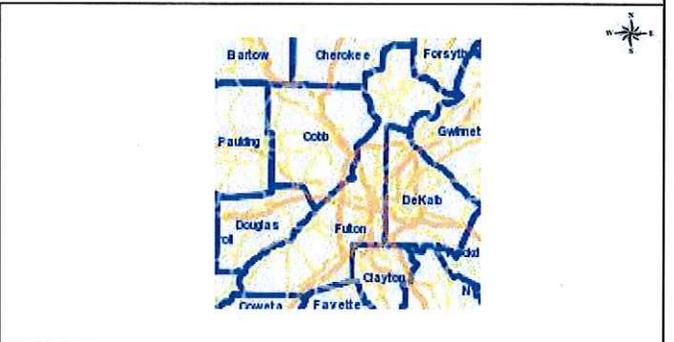


The Fulton County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before 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: 02/26/14 : 13:20:20



T-008 Parcel #8 / Roswell Road Associates, L.P.			
Parcel: 17 0090 LL0535 Acres: 0			
Name:	ROSWELL ROAD ASSOC L P	Land Value	\$ 692,600
Site:	5925 ROSWELL RD	Building Value	\$ 607,400
Sale:		Misc Value	0
Mail:	3756 LAVISTA RD STE 200	Total Value:	\$ 1,300,000
	TUCKER, GA 30084-5621		



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: 02/26/14 : 11:39:13

EXHIBIT "A"

PROJECT NO.: T-0008 Sandy Springs / Roswell Road Sidewalk Project
PARCEL NO.: 8
DATE OF R/W PLANS: May 5, 2004
REVISION DATE: August 8, 2013

All that tract or parcel of land lying and being in Land Lot 90 of the 17th Land District of Fulton County, Georgia, being more particularly described as follows:

TEMPORARY EASEMENT

Beginning at a point 41.46 feet right of and opposite station 108+12.54 on the centerline of Roswell Road the City of Sandy Springs Project No T-0008; thence N 3°48'15" E a distance of 139.04 feet to a point 41.99 feet right of and opposite station 109+51.33 on said construction centerline laid out for Roswell Road; thence N 88°07'38" E a distance of 23.11 feet to a point 65.00 feet right of and opposite station 109+53.50 on said construction centerline laid out for Roswell Road; thence S 3°32'15" W a distance of 13.50 feet to a point 65.00 feet right of and opposite station 109+40.00 on said construction centerline laid out for Roswell Road; thence N 86°27'45" W a distance of 18.00 feet to a point 47.00 feet right of and opposite station 109+40.00 on said construction centerline laid out for Roswell Road; thence S 3°35'17" W a distance of 127.48 feet to a point 47.00 feet right of and opposite station 108+12.81 on said construction centerline laid out for Roswell Road; thence N 88°54'29" W a distance of 5.55 feet back to the point of beginning. **Containing 0.022 acres (962.02 square feet) more or less.**

RESOLUTION NO. 2014-03-__

**STATE OF GEORGIA
COUNTY FULTON**

**A RESOLUTION TO AUTHORIZE THE USE OF EMINENT DOMAIN
TO ACQUIRE PROPERTY AT 5925 ROSWELL ROAD, SANDY SPRINGS, GEORGIA
FOR ROAD PROJECT**

WHEREAS, the City has determined that it is necessary to construct sidewalk and infrastructure project on Roswell Road from Cliftwood Drive to Hammond Drive (the "Project"); and

WHEREAS, in order to construct the Project, certain rights are required over, under, and through the property of Roswell Road Associates, L.P. located at 5925 Roswell Road within the City of Sandy Springs (reference: T-008 / P-8); and

WHEREAS, the Mayor and Council have considered the Project and determined that it is necessary and must be carried out expeditiously to insure the timely completion of the City's sidewalk and infrastructure project.

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

In order to insure the timely completion of the City's sidewalk and infrastructure project the Mayor and Council authorize the City Attorney's Office to acquire through the use of Eminent Domain pursuant to Title 32 the necessary property rights over, under, and across the property located at 5925 Roswell Road in order to insure the timely completion of the City's sidewalk and infrastructure project T-008 Roswell Road Enhancements from Cliftwood Drive to Hammond Drive. Further the Mayor is specifically authorized to execute any documents necessary to further the filing of any Petition related to the same.

APPROVED AND ADOPTED this _____ day of _____, 2014.

Approved: _____, 2014

Rusty Paul, Mayor

Attest:

Michael Casey, City Clerk
(Seal)