





TO: John McDonough, City Manager

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

DATE: December 17, 2013, for Submission onto the Consent Agenda of the January 7, 2014 City Council Meeting

ITEM: Consideration of the Acceptance of the dedication of two Right of Way Deeds as part of the zoning requirements.

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***Recommendation:***

Staff recommends that the Mayor and City Council accept the right of way deeds 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 7700 and 7710 Nesbit Ferry Road. The dedicated right of way totals 2,358.00 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

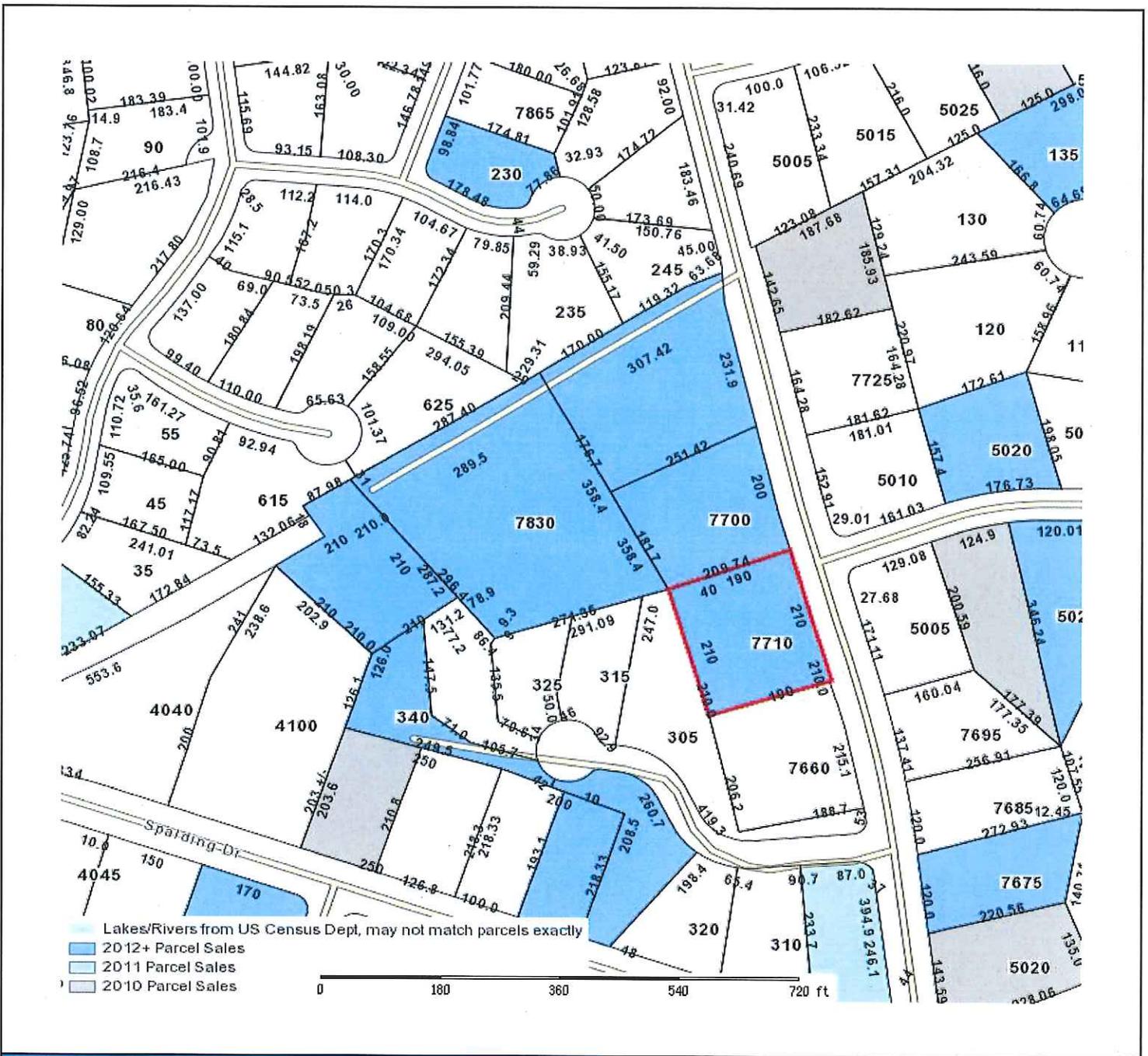
***Financial Impact:***

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

***Attachments:***

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





ROW Deed of Dedication / Highgrove Homes LLC / 7710 Nesbit Ferry Rd			
Parcel: 06 0312 LL0225 Acres: 0			
Name:	CUSTOM BUILDING GROUP LLC	Land Value	\$ 38,300
Site:	7710 NESBIT FERRY RD	Building Value	0
Sale:	\$735,000 on 2013-03-29 Reason=U Qual=M	Misc Value	0
Mail:	9 W PARKS CT NW	Total Value:	\$ 38,300
	ATLANTA, GA 30342-4012		



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---

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ROW Deed of Dedication / Highgrove Homes LLC / 7700 Nesbit Ferry Rd			
Parcel: 06 0312 LL0274 Acres: 0			
Name:	CUSTOM BUILDING GROUP LLC	Land Value	\$ 50,600
Site:	7700 NESBIT FERRY RD	Building Value	\$ 149,400
Sale:	\$735,000 on 2013-03-29 Reason=U Qual=M	Misc Value	0
Mail:	9 W PARK CT NW	Total Value:	\$ 200,000
	ATLANTA, GA 30342-4012		



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Date printed: 12/10/13 : 16:14:05



## RIGHT OF WAY DEED

STATE OF GEORGIA  
FULTON COUNTY

THIS INDENTURE, made this 3rd day of October, 2013, 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 6th District of Fulton County, Georgia and being furthermore described in Deed Book 52457, Page 115. 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 Nesbit Ferry Road, with a total depth of 25 feet from existing centerline and equaling 1,224 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.: 201300840.

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:

Susan W. Mann  
Unofficial Witness

Mimi Q  
Notary Public



By: Stephen D. Palmer (SEAL)

Name: Stephen D. Palmer

Title: Manager

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

## **Exhibit A**

### Legal Description Right-of-Way Dedication

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

To find the POINT OF COMMENCEMENT, begin at the intersection of the eastern right-of-way of Nesbit Ferry Road (r/w varies) and the northern right-of-way of Nesbit Ferry Lane, said point being the POINT OF COMMENCEMENT.

To find the POINT OF BEGINNING, begin at the POINT OF COMMENCEMENT, as previously described, leaving said rights-of-way, travel South 44 degrees 27 minutes 35 seconds West a distance of 67.35 feet to a point on the western right-of-way of Nesbit Ferry Road (r/w varies), said point being the POINT OF BEGINNING.

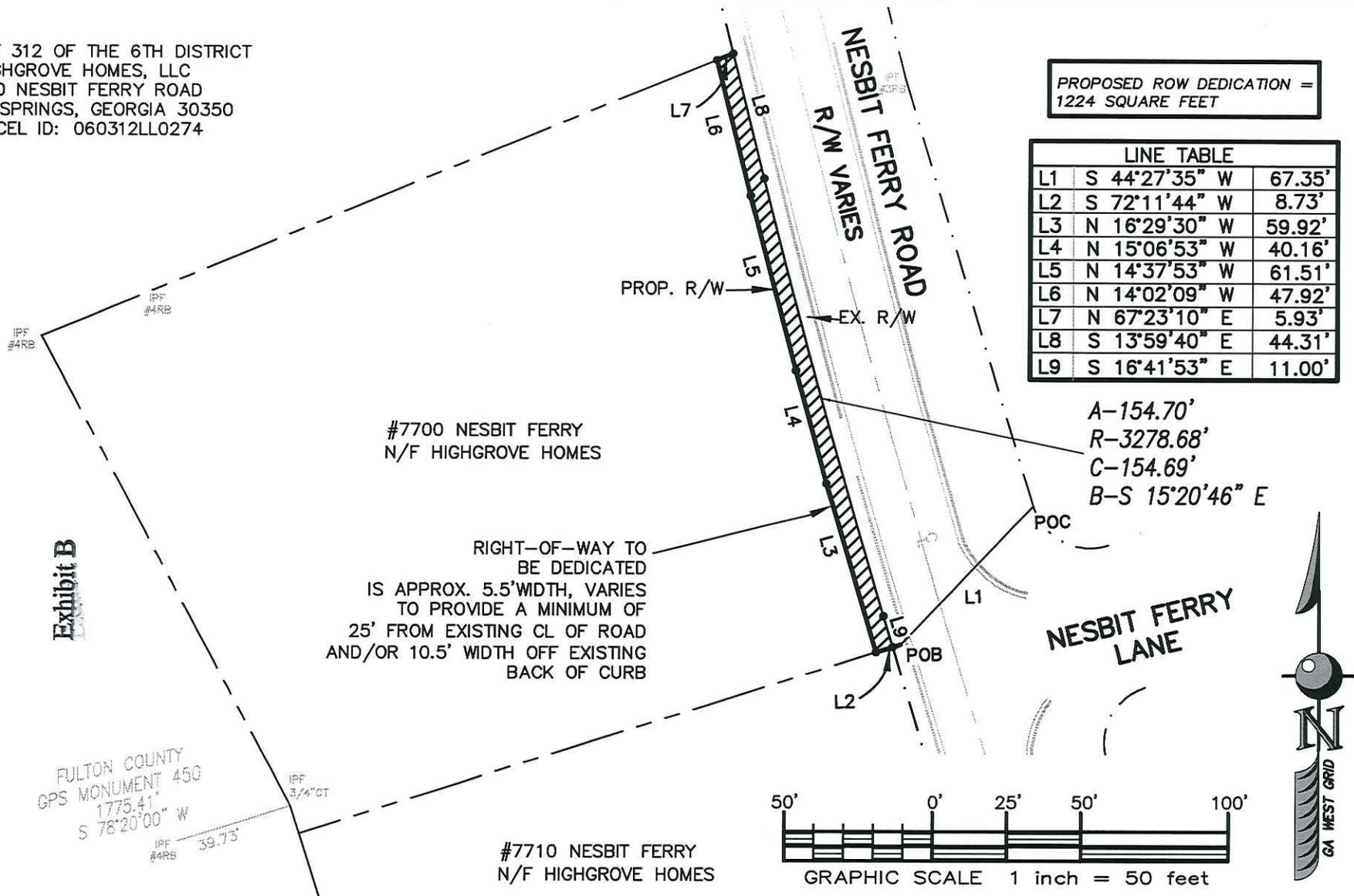
From the POINT OF BEGINNING, as previously established, leaving said right-of-way, South 72 degrees 11 minutes 44 seconds West a distance of 8.73 feet to a point;  
THENCE North 16 degrees 29 minutes 30 seconds West a distance of 59.92 feet to a point;  
THENCE North 15 degrees 06 minutes 53 seconds West a distance of 40.16 feet to a point;  
THENCE North 14 degrees 37 minutes 53 seconds West a distance of 61.51 feet to a point;  
THENCE North 14 degrees 02 minutes 09 seconds West a distance of 47.92 feet to a point;  
THENCE North 67 degrees 23 minutes 10 seconds East a distance of 5.93 feet to a point located on the western right-of-way of Nesbit Ferry Road (r/w varies);  
THENCE, following said right-of-way, South 13 degrees 59 minutes 40 seconds East a distance of 44.31 feet to a point, THENCE continuing along said R/W along the arc of a curve 154.70 feet and a radius of 3278.68 feet, said arc being subtended by chord distance of 154.69 feet and chord bearing of South 15 degrees 20 minutes 46 seconds East, THENCE continuing along said R/W South 16 degrees 41 minutes 53 seconds East a distance of 11.00 feet and a point, said point being the POINT OF BEGINNING.

Said tract or parcel containing 1,224 square feet (0.03 acres), being shown on and described according to that certain plat titled "ROW Dedication Exhibit for City of Sandy Springs", prepared by SEI, dated August 13, 2013, sealed by Chris Amos Adams, Ga. RLS #2796, said plat being made part of this legal description by reference.

LAND LOT 312 OF THE 6TH DISTRICT  
 HIGHGROVE HOMES, LLC  
 7700 NESBIT FERRY ROAD  
 SANDY SPRINGS, GEORGIA 30350  
 PARCEL ID: 060312LL0274

PROPOSED ROW DEDICATION =  
 1224 SQUARE FEET

LINE TABLE		
L1	S 44°27'35" W	67.35'
L2	S 72°11'44" W	8.73'
L3	N 16°29'30" W	59.92'
L4	N 15°06'53" W	40.16'
L5	N 14°37'53" W	61.51'
L6	N 14°02'09" W	47.92'
L7	N 67°23'10" E	5.93'
L8	S 13°59'40" E	44.31'
L9	S 16°41'53" E	11.00'



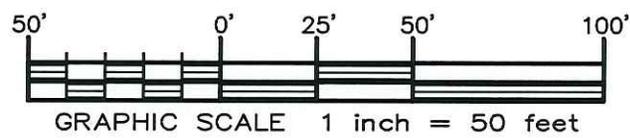
A-154.70'  
 R-3278.68'  
 C-154.69'  
 B-S 15°20'46" E

#7700 NESBIT FERRY  
 N/F HIGHGROVE HOMES

RIGHT-OF-WAY TO  
 BE DEDICATED  
 IS APPROX. 5.5' WIDTH, VARIES  
 TO PROVIDE A MINIMUM OF  
 25' FROM EXISTING CL OF ROAD  
 AND/OR 10.5' WIDTH OFF EXISTING  
 BACK OF CURB

FULTON COUNTY  
 GPS MONUMENT 450  
 1775.41'  
 S 76°20'00" W

#7710 NESBIT FERRY  
 N/F HIGHGROVE HOMES



**SEI**  
 SOUTHEASTERN ENGINEERING, INC.  
 2470 Sandy Plains Road Marietta, Georgia 30066  
 tel: 770-321-3936 fax: 770-321-3935  
 www.seengineering.com

**GENERAL NOTES**  
 1. ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED.  
 2. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON.  
 3. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 100,000+ FEET. AN ELECTRONIC TOTAL STATION WAS USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAT. AN OPENED END TRAVERSE WAS USED TO GATHER FIELD DATA.



ROW DEDICATION EXHIBIT FOR:  
**CITY OF SANDY SPRINGS**  
 PROPERTY OF: HIGHGROVE HOMES, LLC  
 LAND LOT 312 OF THE 6TH DISTRICT,  
 CITY OF SANDY SPRINGS  
 FULTON COUNTY, GEORGIA

SCALE: 1" = 50'  
 DATE: 13 AUG 13

JOB No.-  
 781-13-013

**RIGHT OF WAY DEED**

**STATE OF GEORGIA  
FULTON COUNTY**

THIS INDENTURE, made this 3rd day of October, 2013, 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 6th District of Fulton County, Georgia and being furthermore described in Deed Book 52457, Page 115.  
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 Nesbit Ferry Road, with a total depth of 25 feet from existing centerline and equaling 1,134 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.: ~~201300840~~ 201303041.

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:

*Dusan W Mann*  
Unofficial Witness

By: *[Signature]* (SEAL)

Name: *Stephen D. Palmer*

Title: *Manager*

—

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

*[Signature]*

Notary Public



## **Exhibit A**

### Legal Description Right-of-Way Dedication

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

To find the POINT OF COMMENCEMENT, begin at the intersection of the eastern right-of-way of Nesbit Ferry Road (r/w varies) and the northern right-of-way of Nesbit Ferry Lane, said point being the POINT OF COMMENCEMENT.

To find the POINT OF BEGINNING, begin at the POINT OF COMMENCEMENT, as previously described, leaving said rights-of-way, travel South 44 degrees 27 minutes 35 seconds West a distance of 67.35 feet to a point on the western right-of-way of Nesbit Ferry Road (r/w varies), said point being the POINT OF BEGINNING.

From the POINT OF BEGINNING, continuing along said westerly right of way; Thence South 16 degrees 41 minutes 53 seconds East a distance of 200.21 feet to a point; Thence leaving said right of way, South 72 degrees 11 minutes 44 seconds West a distance of 5.38 feet to a point, Thence North 16 degrees 52 minutes 03 seconds West a distance of 100.10 feet to a point, Thence North 16 degrees 50 minutes 28 seconds West a distance of 100.10 feet to a point, Thence North 72 degrees 11 minutes 44 seconds East a distance of 5.93 feet to a point on the western right of way of Nesbit Ferry Road and the POINT OF BEGINNING.

Said tract or parcel containing 1,134 square feet (0.03 acres), being shown on and described according to that certain plat titled "ROW Dedication Exhibit for City of Sandy Springs", prepared by SEI, dated October 3, 2013, sealed by Chris Amos Adams, Ga. RLS #2796, said plat being made part of this legal description by reference.

LAND LOT 312 OF THE 6TH DISTRICT  
 HIGHGROVE HOMES, LLC  
 7710 NESBIT FERRY ROAD  
 SANDY SPRINGS, GEORGIA 30350  
 PARCEL ID: 060312LL025



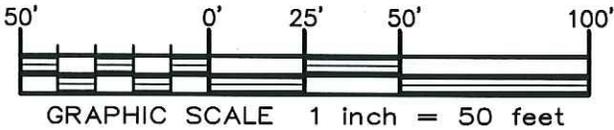
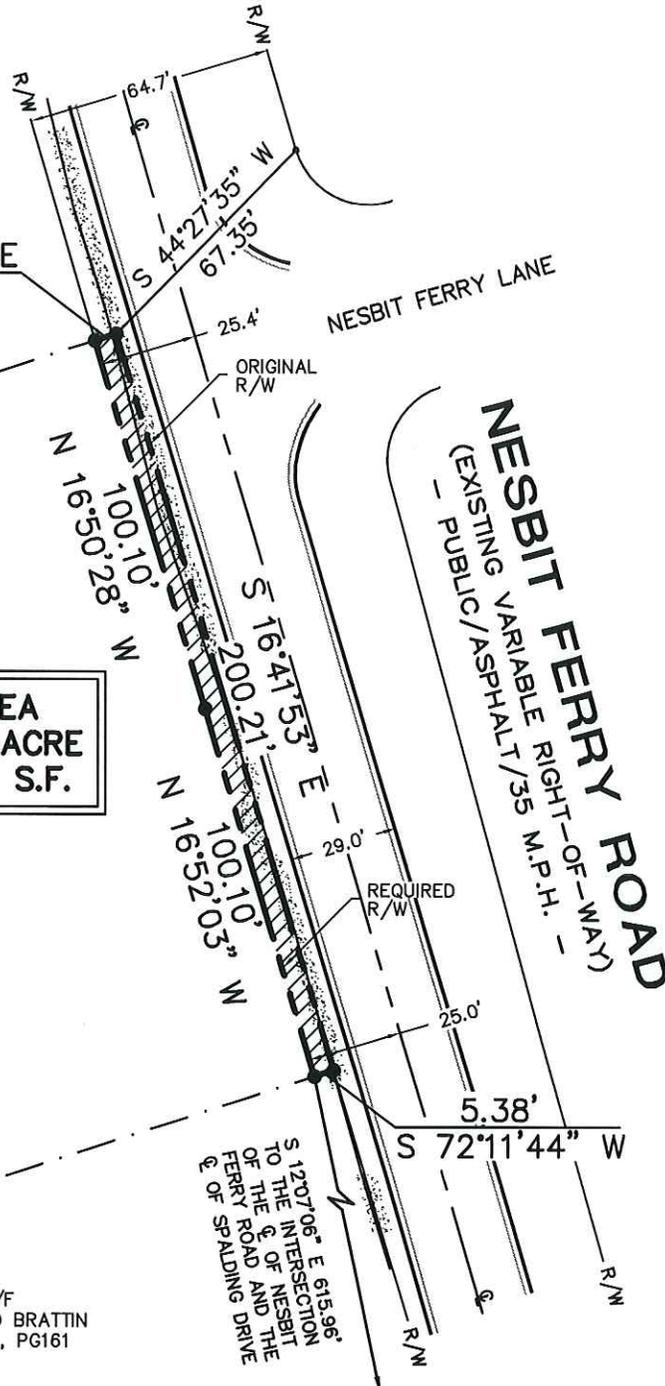
N/F  
 HIGHGROVE HOMES, LLC  
 #7700

Exhibit B

AREA  
 0.03 ACRE  
 1134 S.F.

N/F  
 HIGHGROVE HOMES, LLC  
 #7710

N/F  
 THOMAS D BRATTIN  
 DB11571, PG161



**SOUTHEASTERN ENGINEERING, INC.**  
 2470 Sandy Plains Road Marietta, Georgia 30066  
 tel: 770-321-3936 fax: 770-321-3935  
 www.seengineering.com



ROW DEDICATION EXHIBIT FOR:  
**CITY OF SANDY SPRINGS**  
 PROPERTY OF: HIGHGROVE HOMES, LLC  
 LAND LOT 312 OF THE 6TH DISTRICT,  
 CITY OF SANDY SPRINGS  
 FULTON COUNTY, GEORGIA

SCALE: 1" = 50'  
 DATE: 10/3/13

JOB No. -  
 781-13-013

STATE OF GEORGIA  
COUNTY OF FULTON

**A RESOLUTION TO ACCEPT THE DEDICATION OF RIGHT OF WAY  
ON PROPERTIES 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 a Right of Way Deeds from Highgrove Homes, LLC on properties more particularly described as 7700 and 7710 Nesbit Ferry Road in Sandy Springs, Georgia.

As required per conditions of zoning and or land development regulation ordinance, the City authorizes the acceptance of the required 2,358.00 Square Feet of Right of Way in land lot 312, of the 17<sup>th</sup> District, Fulton County, City of Sandy Springs, Georgia.

**RESOLVED** this the 7<sup>th</sup> day of January, 2014.

Approved:

\_\_\_\_\_  
Rusty Paul, Mayor

Attest:

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