



TO: John McDonough, City Manager

FROM: Wendell K. Willard, City Attorney

DATE: December 11, 2013 for Submission onto the Regular Meeting Agenda of the December 17, 2013 City Council Meeting

ITEM: Acceptance of the Donation of a Right of Way Deed on Riverside Drive from Renee' L. Kaswan for the T-041 / Riverside Drive Re-Alignment with Johnson Ferry Road Project

Public Works Department's Recommendation:

Staff recommends that the Mayor and City Council accept the donation of a Right of Way Deed on that tract or parcel of land lying and located in Land Lot 130 of the 17th District, Fulton County, Georgia. The property as shown in the attached exhibit is owned by Renee' L. Kaswan and the property is located 6797 Riverside Drive, Sandy Springs, Georgia. The fee simple Right of Way area consists of 25,961.76 square feet.

Background:

The acquisition of fee simple Right of Way across the Renee' L. Kaswan property is necessary in order to construct the T-041 Riverside Drive Re-Alignment with Johnson Ferry Road Project. The Owner has agreed to donate the required rights of way to the City.

Discussion:

This is a generous donation to the City for a pending improvement project to re-align Riverside Drive with Johnson Ferry Road.

Alternatives:

The City could reject the donation.

Financial Impact:

No financial impact.

Attachments:

- I. Exhibits
 - Right of Way Deed (including Plat and Legal Description)
 - Aerial and GIS maps of Entire Parcel
- II. Resolution
- III. Kaswan Letter

After Recording Please Return To:
City of Sandy Springs
Attn: Cecil McLendon
7840 Roswell Road
Building 500
Sandy Springs, Georgia 30350

**RIGHT OF WAY DEED
CITY OF SANDY SPRINGS, GA**

**STATE OF GEORGIA
FULTON COUNTY**

THIS INDENTURE, made this 14 day of December, 2013, between Renee Kaswan, a Georgia resident, as Grantor(s), and The City of Sandy Springs, 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 130 of the 17th District of Fulton County, Georgia and being more particularly described in Exhibit "A" and shown on Exhibit "B" both hereby made part of by reference.

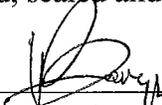
To have and to hold the bargained premises unto Grantee, its successors and assigns forever in fee simple.

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.

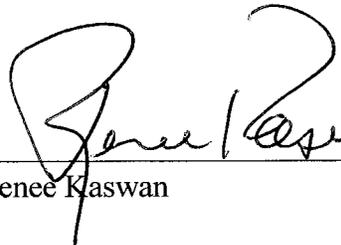
(Signature on Following Page)

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:



Unofficial Witness



Renee Kaswan (L.S.)



Unofficial Witness



Notary Public

PLEASE SEE ATTACHED,
CALIFORNIA
ACKNOWLEDGMENT
{NOTARY SEAL}

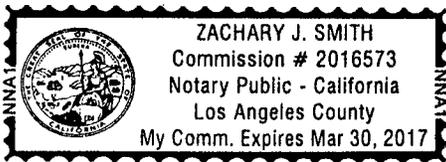
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT
CIVIL CODE § 1189

State of California

County of LOS ANGELES }

On DECEMBER 14, 2013 before me, ZACHARY J SMITH, NOTARY PUBLIC
Date Here Insert Name and Title of the Officer

personally appeared RENEE LESLIE KASWAN
Name(s) of Signer(s)



Place Notary Seal Above

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in ~~his/her/their~~ authorized capacity(ies), and that by ~~his/her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: [Signature]
Signature of Notary Public

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: RIGHT OF WAY DEED Document Date: DEC 14, 2013

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____

Signer Is Representing: _____

Signer Is Representing: _____

EXHIBIT A
Legal Description

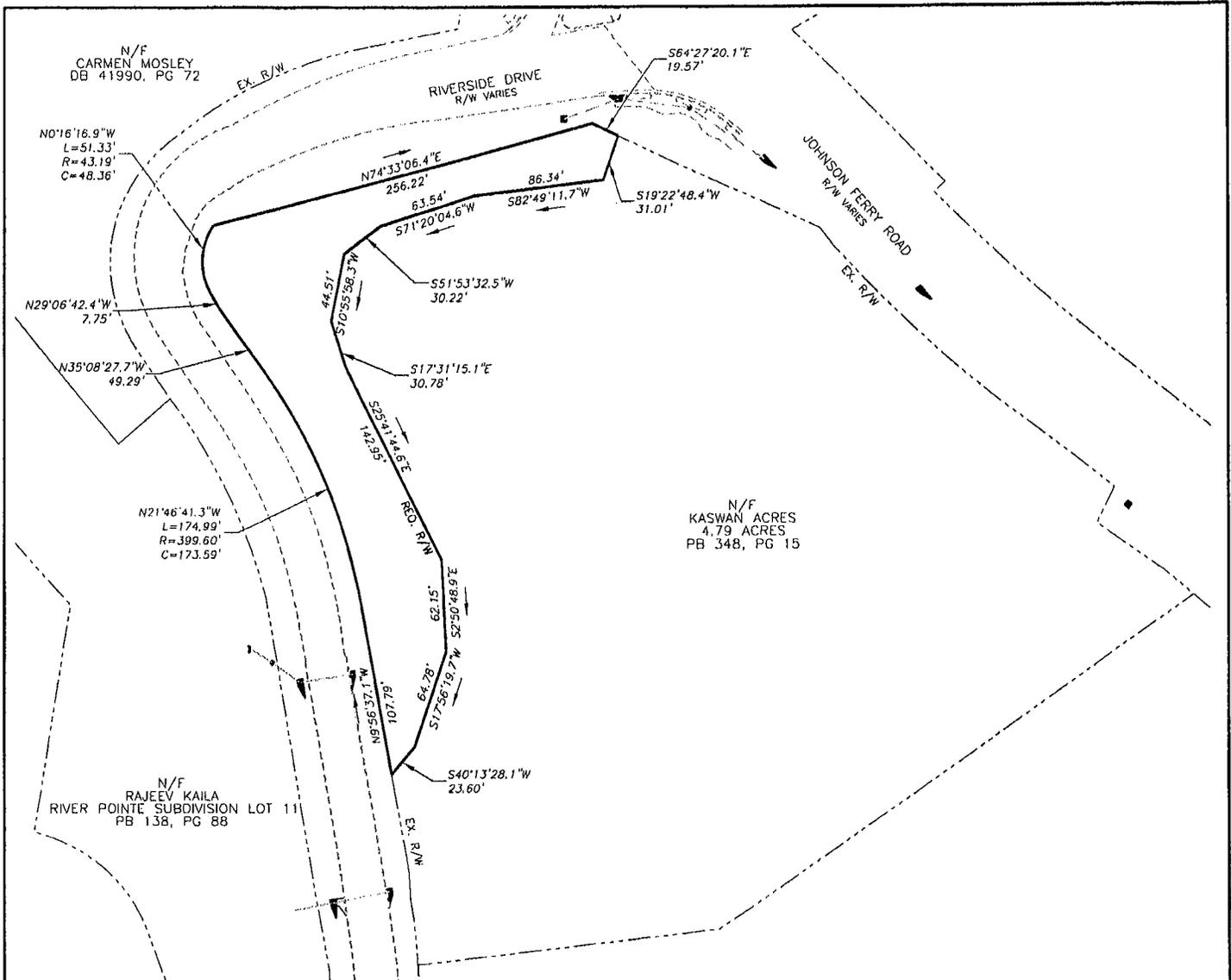
ALL THAT TRACTOR PARCEL OF LAND LYING AND BEING IN LAND LOT 130 OF THE 17TH LAND DISTRICT OF FULTON COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST RIGHT-OF-WAY LINE OF JOHNSON FERRY ROAD, WHICH POINT IS THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF SAID HIGHWAY WITH THE EAST RIGHT-OF-WAY LINE OF RIVERSIDE DRIVE:

Running thence S 64°27'20.1" E a distance of 19.57 feet to a point; thence S 19°22'48.4" W a distance of 31.01 feet to a point; thence S 82°49'11.7" W a distance of 86.34 feet to a point; thence S 71°20'04.6" W a distance of 63.54 feet to a point; thence S 51°53'32.5" W a distance of 30.22 feet to a point; thence S 10°55'58.3" W a distance of 44.51 feet to a point; thence S 17°31'15.1" E a distance of 30.78 feet to a point; thence S 25°41'44.6" E a distance of 142.95 feet to a point; thence S 2°50'48.9" E a distance of 62.15 feet to a point; thence S 17°56'19.7" W a distance of 64.78 feet to a point; thence S 40°13'28.1" W a distance of 23.60 feet to a point; thence N 9°56'37.1" W a distance of 107.79 feet to a point; thence northwesterly 174.99 feet along the arc of a curve (said curve having a radius of 399.60 feet and a chord distance of 173.59 feet on a bearing of N 21°46'41.3" W) to a point; thence N 35°08'27.7" W a distance of 49.29 feet to a point; thence N 29°06'42.4" W a distance of 7.75 feet to a point; thence northwesterly 51.33 feet along the arc of a curve (said curve having a radius of 43.19 feet and a chord distance of 48.36 feet on a bearing of N 0°16'16.9" W) to a point; thence N 74°33'06.4" E a distance of 256.22 feet back to the point of beginning.

SAID TRACT OR PARCEL OF LAND, CONTAINING 0.596 ACRES (25,961.76 SQUARE FEET), IS A PORTION OF THE PROPERTY DESCRIBED IN PLAT BOOK 348 ON PAGE 15 IN THE OFFICE OF THE CLERK OF SUPERIOR COURT OF FULTON COUNTY. SAID DEED, BY REFERENCE, IS INCORPORATED HEREIN.

EXHIBIT B
Right-of-Way Plan

See attached.



LEGAL DESCRIPTION:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 130 OF THE 17TH LAND DISTRICT OF FULTON COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST RIGHT-OF-WAY LINE OF JOHNSON FERRY ROAD, WHICH POINT IS THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF SAID HIGHWAY WITH THE EAST RIGHT-OF-WAY LINE OF RIVERSIDE DRIVE:

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SCALE:	1" = 100'
CHECKED BY:	RA
DRAWN BY:	CMS
DATE:	11/6/2013



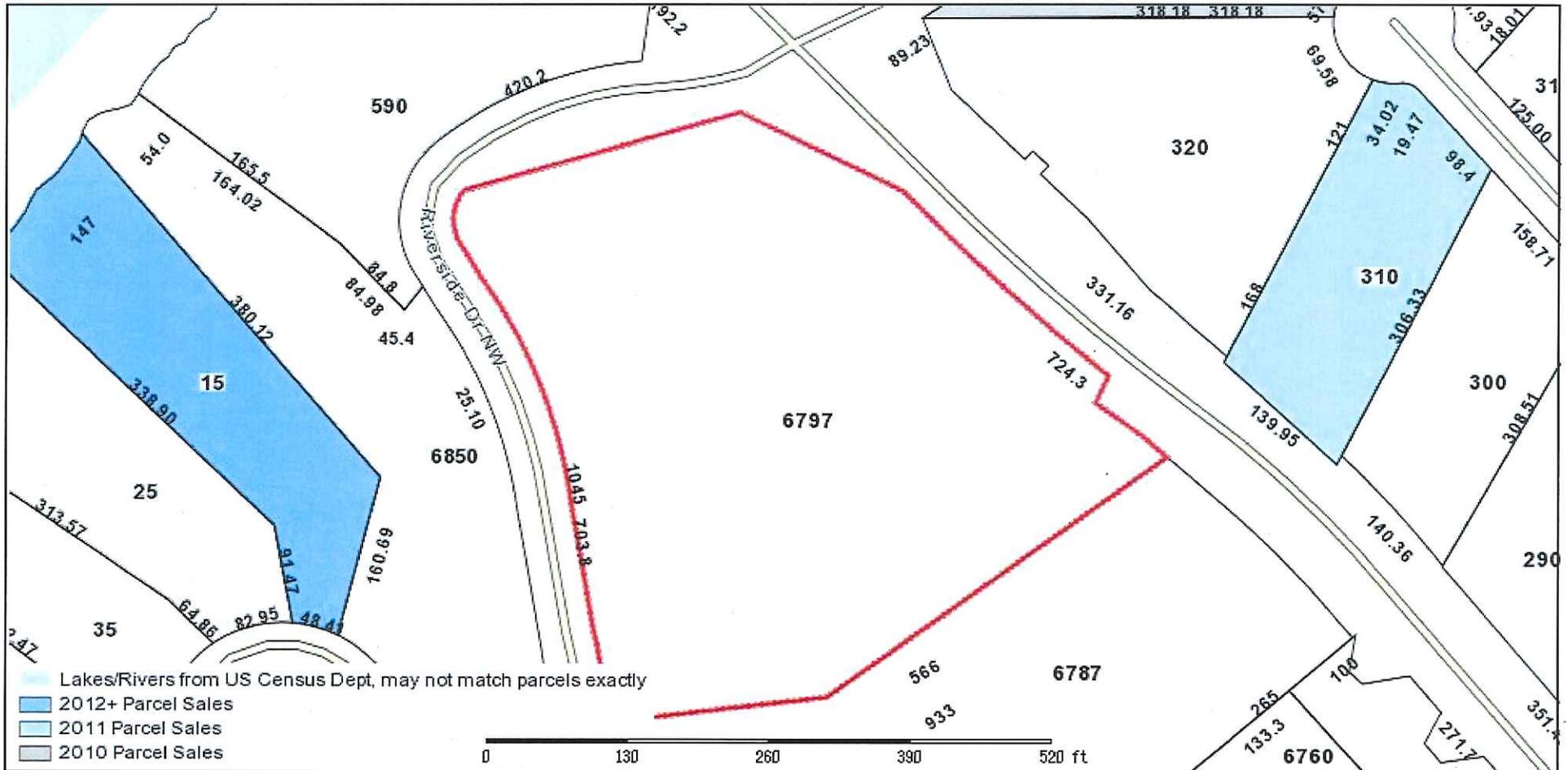
KECK & WOOD, INC.
 2750 PREMIERE PARKWAY
 SUITE 900
 DULUTH, GEORGIA 30097
 Phone: (678) 417-4000 Fax: (678) 417-4055
 ENGINEERS SURVEYORS PLANNERS

RIGHT-OF-WAY PLAN
RIVERSIDE DRIVE REALIGNMENT
CITY OF SANDY SPRINGS



JOB NUMBER: 120150

AERIAL AND GIS MAPS OF ENTIRE PARCEL



Riverside Drive Realignment at Johnson Ferry Road Project			
Parcel: 17 0130 LL0503 Acres: 0			
Name:	KASWAN RENEE L	Land Value	\$ 203,900
Site:	6797 RIVERSIDE DR	Building Value	0
Sale:		Misc Value	0
Mail:	6787 RIVERSIDE DR ATLANTA, GA 30328	Total Value:	\$ 203,900



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: 12/10/13 : 12:36:58



Riverside Drive Re-Alignment at Johnson Ferry Road			
Parcel: 17 0130 LL0503 Acres: 0			
Name:	KASWAN RENEE L	Land Value	\$ 203,900
Site:	6797 RIVERSIDE DR	Building Value	0
Sale:		Misc Value	0
Mail:	6787 RIVERSIDE DR	Total Value:	\$ 203,900
	ATLANTA, GA 30328		



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Date printed: 12/10/13 : 12:38:11

STATE OF GEORGIA
COUNTY OF FULTON

**A RESOLUTION TO ACCEPT THE DONATION OF A RIGHT OF WAY DEED
ON PROPERTY LOCATED IN LAND LOT 130 OF THE 17th 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

WHEREAS, the City Attorney, in response to the guidance provided by the City Manager, has reviewed and approves the acceptance of the Donation of a Right of Way Deed by the City of Sandy Springs for the property located at 6797 Riverside Drive, from Renee' L. Kaswan, in Land Lot 130 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 construction of the T-041 Riverside Drive Re-Alignment with Johnson Ferry Road Project, the City approves the acceptance of the donation of a Right of Way Deed located in Land Lot 130 of the 17th District, Fulton County, City of Sandy Springs, Georgia.

RESOLVED this 17th day of December, 2013.

APPROVED:

Eva Galambos, Mayor

Attest:

Michael Casey, City Clerk
(Seal)



December _____, 2013

Dr. Renee L. Kaswan
6787 Riverside Drive
Sandy Springs, Georgia 30328

Re: Fee Simple Donation for Right of Way

Dear Ms. Kaswan:

We are delighted that you have agreed to make a fee simple of approximately .6 acres of land located at 6787/6797 Riverside Drive, Sandy Springs, Georgia. The Sandy Springs City Council met on December 17, 2013, and approved the acceptance of the fee simple donation. Please work with Cecil McLendon, Assistant City Attorney, to facilitate the necessary administrative items that need to be complete in advance of such donation.

We appreciate it and look forward to working with you.

Sincerely,

John McDonough
City Manager