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**CITY COUNCIL AGENDA ITEM**

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**TO:** Mayor & City Council

**DATE:** November 26, 2013

**FROM:** John McDonough, City Manager

**AGENDA ITEM:** Consideration of the Acceptance of the dedication of a Right of Way Deed as part of the Zoning Requirements (5060 Powers Ferry Road)

**MEETING DATE:** For Submission onto the December 3, 2013, City Council Regular Meeting Agenda

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**BACKGROUND INFORMATION:** (Attach additional pages if necessary)

See attached:

Memorandum  
Exhibits  
Resolution

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**APPROVAL BY CITY MANAGER:**                     JFM                     APPROVED

**PLACED ON AGENDA FOR:**                     12-3-2013                    

**CITY ATTORNEY APPROVAL REQUIRED:** (  ) YES (  ) NO

**CITY ATTORNEY APPROVAL:**                     [Signature]                    

**REMARKS:**



TO: John McDonough, City Manager

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

DATE: November 15, 2013, for Submission onto the Consent Agenda of the December 3, 2013 City Council Meeting

ITEM: Consideration of the Acceptance of the dedication of a Right of Way Deed as part of the zoning requirements.

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***Recommendation:***

Staff recommends that the Mayor and City Council accept the right of way deed dedicating all that tract or parcel of land lying and located in Land Lot 136 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, Jill McEntegart, and is more specifically known as 5060 Powers Ferry Road. The dedicated right of way totals 705.00 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 / 5060 Powers Ferry Road / McEntegert			
Parcel: 17 0136 LL0903 Acres: 0			
Name:	MC ENTEGART JILL	Land Value	\$ 245,300
Site:	5060 POWERS FERRY RD	Building Value	\$ 230,000
Sale:	\$560,000 on 2012-12-21 Reason=U Qual=0	Misc Value	0
Mail:	155 PARKSIDE CLOSE ALPHARETTA, GA 30022	Total Value:	\$ 475,300

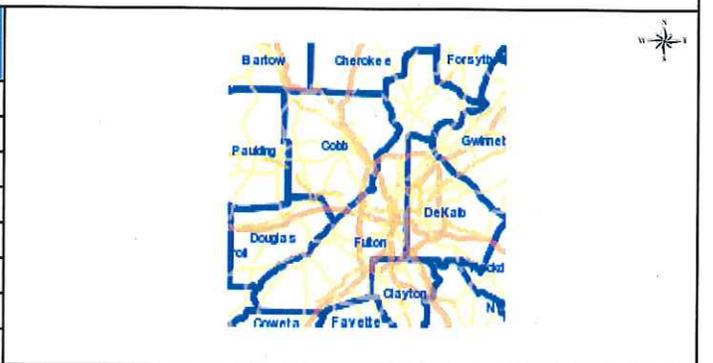


The Fulton County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before 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: 11/12/13 : 10:58:53



ROW Deed of Dedication / 5060 Powers Ferry Road / McEntegert			
Parcel: 17 0136 LL0903 Acres: 0			
Name:	MC ENTEGART JILL	Land Value	\$ 245,300
Site:	5060 POWERS FERRY RD	Building Value	\$ 230,000
Sale:	\$560,000 on 2012-12-21 Reason=U Qual=0	Misc Value	0
Mail:	155 PARKSIDE CLOSE ALPHARETTA, GA 30022	Total Value:	\$ 475,300



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Date printed: 11/12/13 : 10:57:02

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

**STATE OF GEORGIA  
FULTON COUNTY**

THIS INDENTURE, made this 2 day of November, 2013, between  
Jill McEntegart, 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 136 of the 17 th District of Fulton  
County, Georgia and being furthermore described in Deed Book 52073,  
Page 436. 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 Powers Ferry Rd  
with a total depth of 20 feet from existing centerline and the fee simple right of way area  
equaling 705 square feet for the purpose of road improvements. This dedication is in  
conjunction with the City of Sandy Springs Community Development Department File #:  
2013 02894.

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:

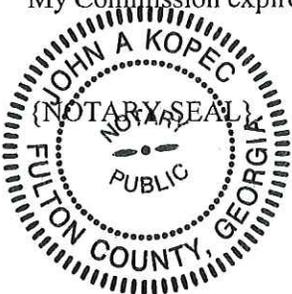
  
Unofficial Witness

  
(L.S.)  
(Jill McEntegart)

  
Notary Public

\_\_\_\_\_ (L.S.)

JOHN A KOPEC  
NOTARY PUBLIC, FULTON COUNTY, GEORGIA  
My Commission expires MY COMMISSION EXPIRES 8/22/2014



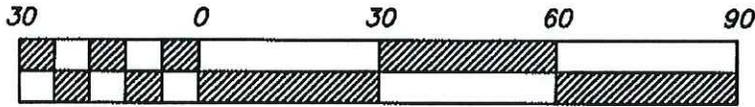
**LEGAL DESCRIPTION**  
**RIGHTS-OF-WAY DEDICATION**  
**#5060 POWERS FERRY ROAD**

All that tract or parcel of land lying in Land Lot 136 of 17th District of Fulton County, Georgia, lying within the limits of the City of Sandy Springs, being particularly described as follows:

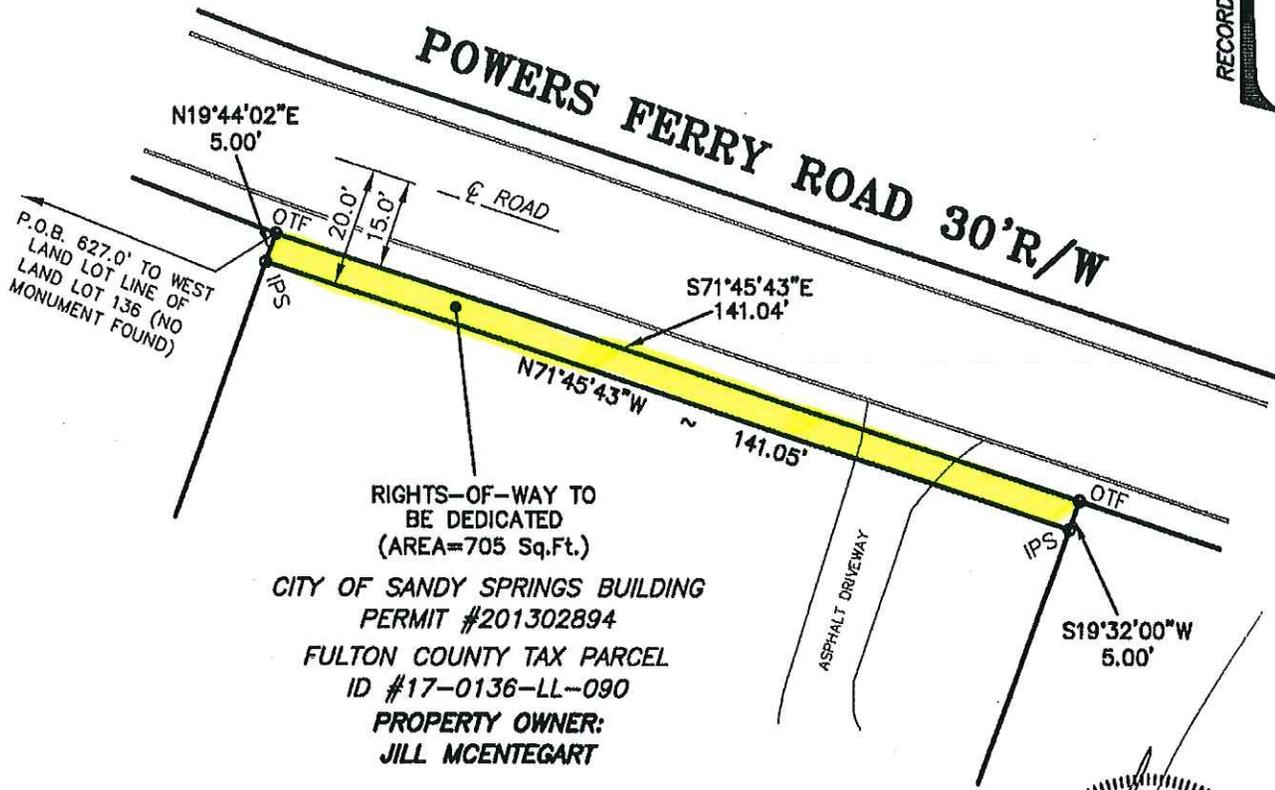
Beginning at an open top pipe on the Southwestern Rights-of-Way of Powers Ferry Road (30' R/W) a distance of 627.0' Southeasterly from the intersection between the Western land lot line of land lot 136 and the Southwestern Rights-of-Way of Powers Ferry Road (30' R/W); thence S 71°45'43" E along the Southwestern Rights-of-Way of Powers Ferry Road (30' R/W) a distance of 141.04' to an open top pipe; thence leaving the Southwestern Rights-of-Way of Powers Ferry Road (30' R/W) S 19°32'00" W a distance of 5.00' to a point; thence N 71°45'43" E along the lines of a Rights-of-Way to be dedicated a distance of 141.05' to a point; thence N 19°44'02" E a distance of 5.00' to the Point of Beginning.

Said Tract of Land being known as Rights-of-Way to be dedicated, being more particularly shown on Rights-of-Way Dedication Exhibit For: 5060 Powers Ferry Road, prepared by: Gaddy Surveying & Design, Inc.; dated: October 25, 2013, containing 705 Sq.Ft.

# GRAPHIC SCALE



1 INCH = 30 FEET



RIGHTS-OF-WAY TO BE DEDICATED  
(AREA=705 Sq.Ft.)

CITY OF SANDY SPRINGS BUILDING  
PERMIT #201302894  
FULTON COUNTY TAX PARCEL  
ID #17-0136-LL-090  
PROPERTY OWNER:  
JILL MCENTEGART



**RIGHTS-OF-WAY DEDICATION EXHIBIT FOR:**  
**5060 POWERS FERRY ROAD**  
LAND LOT 136 ~ 17TH DISTRICT  
CITY OF SANDY SPRINGS  
FULTON COUNTY, GEORGIA  
OCTOBER 25, 2013



**GADDY SURVEYING & DESIGN, INC.**

1215 PLEASANT HILL ROAD  
LAWRENCEVILLE, GEORGIA 30044  
PHONE - (770) 931-5920  
FAX - (770) 931-5903



L.S. CERTIFICATE OF AUTHORIZATION #LS001014  
P.E. CERTIFICATE OF AUTHORIZATION #PEF005450

STATE OF GEORGIA  
COUNTY OF FULTON

**A RESOLUTION TO ACCEPT THE DEDICATION OF RIGHT OF WAY  
ON PROPERTY LOCATED IN LAND LOT 136 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 Deed from Jill McEntegart on property more particularly described as 5060 Powers 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 705.00 Square Feet of Right of Way in land lot 136, of the 17<sup>th</sup> District, Fulton County, City of Sandy Springs, Georgia.

**RESOLVED** this the 3<sup>rd</sup> day of December, 2013.

Approved:

\_\_\_\_\_  
Eva Galambos, Mayor

Attest:

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