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**CITY COUNCIL AGENDA ITEM**

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**TO:** Mayor & City Council                      **DATE:** November 7, 2013

**FROM:** John McDonough, City Manager

**AGENDA ITEM:** Donation of Land Located at 445 Abernathy Road

**MEETING DATE:** For Submission onto the November 12, 2013, City Council Regular Meeting Agenda

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

See attached:

- Memorandum
- Survey
- Resolution
- Deed

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**APPROVAL BY CITY MANAGER:**                     JPM                     APPROVED

**PLACED ON AGENDA FOR:**                     11/12/2013                    

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

**CITY ATTORNEY APPROVAL:**                     [Signature]                    

**REMARKS:**

TO: Mayor and Council  
FROM: Wendell K. Willard  
DATE: November 6, 2013  
ITEM: Donation of Land Located at 445 Abernathy Road

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***Recommendation:***

The City Manager and City Attorney recommend that the Mayor and City Council accept the donation of that tract or parcel of land located in Land Lots 72 and 73 of the 17<sup>th</sup> District, Fulton County, Georgia, as shown in the attached exhibits and being more specifically known as 445 Abernathy Road.

***Background:***

Abernathy Road, LLC, a Georgia limited liability company, has offered to donate to the City a tract or parcel of land consisting of approximately 4.165 acres located at 445 Abernathy Road. Abernathy Road, LLC desires to complete the donation prior to the end of 2013.

***Discussion:***

Staff has determined that this tract of land would be suitable for a park and/or green space. A Phase I environmental report has been completed and no issues were found. Further, there are no liens or encumbrances on the property.

***Alternatives:***

The Mayor and Council may choose not to accept the donation.

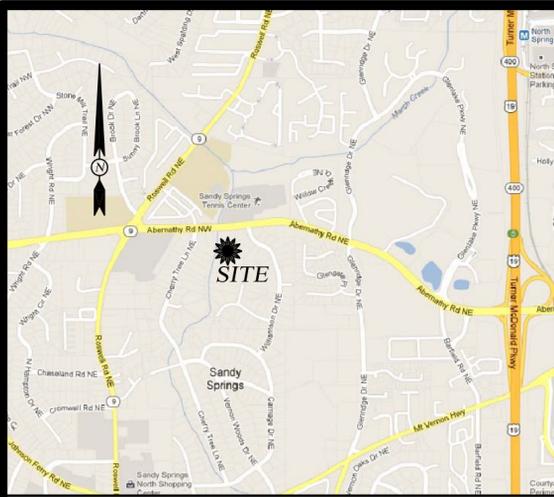
***Financial Impact:***

The financial impact of the donation of this property would be the cost of upkeep and maintenance of the property, the value of the Property; however, is substantial.

***Attachments:***

1. Survey
2. Resolution
3. Deed

*City  
Attorney*



### VICINITY MAP

NOT TO SCALE



### FLOOD MAP

NOT TO SCALE

### LEGEND

- IPS 1/2" IRON PIN SET
- PKS PK NAIL SET
- IPF IRON PIN FOUND
- RBF REBAR FOUND
- OTF OPEN TOP PIPE FOUND
- CTF CRIMPED TOP PIPE FOUND
- DB PG DEED BOOK & PAGE
- PB PG PLAT BOOK & PAGE
- PP POWER POLE
- PP1R POWER POLE, 1 RISER
- PP/HT POWER POLE, HIGH TENSION
- LP LIGHT POLE
- \* GL GROUND LIGHT
- + GW GUY WIRE
- E-PAN ELECTRIC PANEL
- EO ELECTRIC OUTLET
- EB ELECTRIC BOX
- EM ELECTRIC METER
- UB UTILITY BOX
- UVLT UTILITY VAULT
- AC HEATING/AIR CONDITIONING UNIT
- ICV IRRIGATION CONTROL VALVE
- FH FIRE HYDRANT
- WV WATER VALVE
- WM WATER METER
- FDC FIRE DEPARTMENT CONNECTION
- GM GAS METER
- BH BORING HOLE
- CO CLEANOUT
- BO BOLLARD
- SP SIGN POST
- MB MAIL BOX
- △ COMPUTED POINT
- X— FENCE LINE
- E— OVERHEAD ELECTRIC LINE
- T— OVERHEAD TELEPHONE LINE
- UE— UNDERGROUND ELECTRIC LINE
- S— SANITARY SEWER LINE
- B— BROKEN LINE NOT TO SCALE
- RD ROOF DRAIN
- DI STORM WATER DROP INLET
- YI STORM WATER YARD INLET
- JB STORM WATER JUNCTION BOX
- OCS OUTLET CONTROL STRUCTURE
- CBSW SINGLE WING CATCH BASIN
- CBDW DOUBLE WING CATCH BASIN
- RCP REINFORCED CONCRETE PIPE
- CMP CORRUGATED METAL PIPE
- PVC PLASTIC PIPE
- DIP DUCTILE IRON PIPE
- CLAY CLAY PIPE
- HDPE HIGH DENSITY POLYETHYLENE PIPE
- HW HEADWALL
- MHSS SANITARY SEWER MANHOLE
- FFE FINISHED FLOOR ELEVATION
- TBM TEMPORARY BENCHMARK
- BSL BUILDING SETBACK LINE
- CLF CHAIN LINK FENCE
- CP CONCRETE PAD
- IRF INTERMEDIATE REGIONAL FLOOD
- TIN: TAX PARCEL ID NUMBER
- 24"C&G 24 INCH WIDE CURB & GUTTER
- 6"HC 6 INCH WIDE HEADER CURB
- x 100.00 SPOT ELEVATION
- C-100.00' DEED CALL FOR DISTANCE

### UTILITY WARNING

INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER, AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER(S), THEIR EMPLOYEES, THEIR CONSULTANTS, THEIR CONTRACTORS, AND/OR THEIR AGENTS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THE UNDERGROUND UTILITY INFORMATION SHOWN HEREON.



Know what's below.  
Call before you dig.  
Or Call 800-282-7411  
Three working days prior to construction

### GENERAL NOTES

- 1) THIS SITE IS LOCATED WITHIN FLOOD HAZARD ZONE "X" AS DEFINED BY F.I.R.M. COMMUNITY PANEL NUMBER 13121C0161E, DATED JUNE 22, 1998 FOR UNINCORPORATED FULTON COUNTY, GEORGIA, AND IS DEFINED BY F.E.M.A. AS AREAS OF 500-YEAR FLOOD, AREAS OF 100-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN ONE FOOT OR WITH DRAINAGE AREAS LESS THAN ONE SQUARE MILE, AND AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOOD.
- 2) CURRENT ZONING ACCORDING TO THE CITY OF SANDY SPRINGS IS LISTED AS O-I, OFFICE AND INSTITUTIONAL DISTRICT (SEE ZONING CASE Z85-0092). THE CITY OF SANDY SPRINGS ZONING DEPARTMENT MUST BE REFERENCED FOR ALL REQUIREMENTS UNDER THIS ZONING.  
MINIMUM LOT FRONTAGE = 100 FEET ADJOINING A STREET.  
BUILDING SETBACKS:  
MINIMUM FRONT SETBACK = 40 FEET.  
MINIMUM SIDE SETBACK = 20 FEET.  
MINIMUM REAR SETBACK = 25 FEET.  
MAXIMUM BUILDING HEIGHT IS 60 FEET OR 4 STORIES
- PER ZONING CASE Z85-0092, PROVIDE A NATURAL BUFFER, UNDISTURBED EXCEPT FOR APPROVED ACCESS AND UTILITY CROSSING AND REPLANTINGS WHERE SPARSLEY VEGITATED.  
50 FEET WIDE ON EAST PROPERTY LINE  
50 FEET WIDE ON WEST PROPERTY LINE  
50 FEET WIDE ON THE SOUTH PROPERTY LINE, AN ADDITIONAL 50 FEET IMPROVEMENT SETBACK.  
MAXIMUM BUILDING HEIGHT OF 6 STORIES.
- 3) HORIZONTAL AND VERTICAL REFERENCE SHOWN HEREON WAS TAKEN FROM FULTON COUNTY CONTROL MONUMENT, NO. 451, ELEVATION = 948.919 FEET. (NAD 83 / NAVD 88)
- 4) WATER SERVICE PROVIDED BY THE CITY OF ATLANTA, WASTEWATER SERVICE PROVIDED BY FULTON COUNTY.

### SPECIAL NOTES

- 1) CERTIFICATION AND DECLARATION IS MADE TO THE ENTITIES AS LISTED IN THE TITLE BLOCK AND/OR CERTIFICATIONS. THE CERTIFICATIONS AND DECLARATIONS ON THIS PLAT ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
- 2) SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.
- 3) THE UNDERSIGNED SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
- 4) PURSUANT TO RULE 180-6.09 OF THE GEORGIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS, THE TERM "CERTIFICATION" RELATING TO PROFESSIONAL ENGINEERING AND LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

### TRACT 1 OPEN SPACE CALCULATION

TOTAL AREA = 2.552 ACRES OR 111,142 SQ.FT. (100%)  
IMPERVIOUS AREA = 1.721 ACRES OR 74,989 SQ.FT. (67.47%)  
OPEN SPACE AREA = 0.830 ACRES OR 36,149 SQ.FT. (32.53%)

### PLAT REFERENCES

- 1) "ALTA/ACSM LAND TITLE SURVEY FOR ABERNATHY ROAD LLC, CHICAGO TITLE INSURANCE COMPANY AND MILTON NATIONAL BANK" PREPARED BY VALENTINO & ASSOCIATES, INC., DATED 12/17/97, LAST REVISED 8/10/98.

### FLOOD HAZARD NOTE

THE INTERMEDIATE REGIONAL FLOOD (I.R.F.) AREAS SHOWN HEREON WERE DETERMINED BY THE PROFESSIONAL ENGINEER WHOSE STAMP AND SIGNATURE ARE AFFIXED HERETO. THE CITY OF SANDY SPRINGS DOES NOT, BY APPROVING THIS PLAT, WARRANT THEIR ACCURACY, NOR IMPLY THAT LAND OUTSIDE THE AREAS OF FLOOD HAZARD SHOWN, WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. FURTHER, THE CITY OF SANDY SPRINGS DOES NOT BY APPROVING THIS PLAT NOR ACCEPTING THE PUBLIC IMPROVEMENTS THEREIN, ASSUME MAINTENANCE OF THE FLOOD CARRYING CAPACITY OF THE FLOOD AREAS OR WATERCOURSES. MAINTENANCE SHALL REMAIN THE RESPONSIBILITY OF THE OWNER/S OF THE LAND UPON WHICH THEY EXIST. THE OWNER OF A LOT OR PARCEL, THAT CONTAINS A FLOOD HAZARD AREA, IS REQUIRED TO SUBMIT A SITE PLAN TO THE CITY OF SANDY SPRINGS, PRIOR TO THE INITIATION OF ANY IMPROVEMENTS TO THE LOT OR PARCEL. THE SITE PLAN SHALL INCLUDE THE LOCATION AND ELEVATION OF THE I.R.F. WITHIN THE LOT OR PARCEL AND THE EXISTING AND PROPOSED IMPROVEMENTS. APPROVAL OF THE SITE PLAN BY THE CITY OF SANDY SPRINGS IS REQUIRED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

**THE PROPERTY OWNER AGREES THAT ANY PORTION OF THE PROPERTY THAT LIES WITHIN A FLOODPLAIN SHALL EITHER BE; (I) ENCUMBERED WITH A CONSERVATION EASEMENT, (II) RESTRICTED TO A PUBLIC OR QUASI-PUBLIC USE, OR (III) USED IN ITS NATURAL STATE AS OPEN SPACE.**

### FULTON COUNTY HEALTH DEPARTMENT

THIS SUBDIVISION, AS SHOWN, IS APPROVED UPON THE CONDITION THAT SEWAGE DISPOSAL AND WATER SUPPLY FACILITIES ARE IN COMPLIANCE WITH ARTICLES C AND D, SEWAGE DISPOSAL AND DRINKING WATER SUPPLY OF THE FULTON COUNTY HEALTH DEPARTMENT REGULATIONS AND IN ACCORDANCE WITH THE REQUIREMENTS BELOW:

- |                                 |                                      |
|---------------------------------|--------------------------------------|
| <b>WATER SUPPLY</b>             | <b>SEWAGE DISPOSAL</b>               |
| ( ) PUBLIC WATER SUPPLY         | ( ) PUBLIC SANITARY                  |
| ( ) INDIVIDUAL WATER SUPPLIES   | ( ) INDIVIDUAL ONSITE SEWAGE         |
| SERVICE REQUIREMENTS - S/D TYPE | TYPE SERVICE REQUIREMENTS - S/D TYPE |
| ( ) TYPE "A"                    | ( ) TYPE "A" ( ) TYPE "C"            |
| ( ) TYPE "B"                    | ( ) TYPE "B" ( ) TYPE "D"            |

DATE \_\_\_\_\_ FULTON COUNTY HEALTH DEPARTMENT  
REVISION DATE \_\_\_\_\_ FULTON COUNTY HEALTH DEPARTMENT

### STATEMENT OF SLOPE EASEMENT

THIS PLAT IS APPROVED WITH THE UNDERSTANDING THAT EASEMENT IS GRANTED THE CITY OF SANDY SPRINGS ALONG ALL ROAD FRONTAGE FOR THE PURPOSE OF SLOPING CUTS AND FILLS AS FOLLOWS:  
0' TO 5' - NOT LESS THAN 3 TO 1 SLOPE  
5' TO 10' - NOT LESS THAN 2 TO 1 SLOPE

### CERTIFICATION AS TO RECORDING

THIS IS TO CERTIFY THAT THIS PLAT HAS BEEN RECORDED IN PLAT BOOK \_\_\_\_\_ OF FULTON COUNTY RECORDED ON \_\_\_\_\_ 20 \_\_\_\_ CLERK, SUPERIOR COURT FULTON COUNTY, GEORGIA

### OWNER/DEVELOPER

ABERNATHY ROAD, LLC  
455 ABERNATHY ROAD  
SANDY SPRINGS, GA 30328  
CONTACT  
TED SANDLER: (678) 648-2017

### MAP CLOSURES

TRACT 1 - IS WITHIN ONE FOOT IN 105,749 FEET.  
TRACT 2 - IS WITHIN ONE FOOT IN 167,647 FEET.  
OVERALL - IS WITHIN ONE FOOT IN 353,990 FEET.

### CALL TABLE

COURSE	BEARING	DISTANCE
L1	N 75°00'38" W	57.41'
L2	S 80°59'05" W	52.14'
L3	S 36°52'13" W	28.32'
L4	N 75°43'46" W	23.94'
L5	N 07°30'14" W	26.32'
L6	N 57°33'51" W	18.71'
L7	S 79°54'25" W	19.68'
L8	N 51°38'00" W	27.27'
L9	N 15°25'49" W	36.10'
L10	N 45°23'27" W	153.37'
L11	N 22°37'06" W	71.66'
L12	N 05°45'43" W	138.26'
L13	N 32°06'42" E	59.28'

### DRAINAGE NOTE

THE OWNER OF RECORD, ON BEHALF OF HIMSELF (ITSELF) AND ALL SUCCESSORS IN INTEREST, SPECIFICALLY RELEASES THE CITY OF SANDY SPRINGS FROM ANY AND ALL LIABILITY AND RESPONSIBILITY FOR FLOODING OR EROSION FROM STORM DRAINS OR FROM FLOODING FROM HIGH WATER OF NATURAL CREEKS, RIVERS OR DRAINAGE FEATURES. A DRAINAGE EASEMENT IS HEREBY ESTABLISHED FOR THE SOLE PURPOSE OF PROVIDING FOR THE EMERGENCY PROTECTION OF THE FREE FLOW OF SURFACE WATERS ALONG ALL WATERCOURSES AS ESTABLISHED BY THESE REGULATIONS AND THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS. SAID DIRECTOR MAY CONDUCT EMERGENCY MAINTENANCE OPERATIONS WITHIN THIS EASEMENT WHERE EMERGENCY CONDITIONS EXIST. EMERGENCY MAINTENANCE SHALL BE THE REMOVAL OF TREES AND OTHER DEBRIS, EXCAVATION, FILLING AND THE LIKE, NECESSARY TO REMEDY A CONDITION, WHICH IN THE JUDGMENT OF STAFF AND DIRECTOR, IS POTENTIALLY INJURIOUS TO LIFE, PROPERTY OR THE PUBLIC ROAD OR UTILITY SYSTEM. SUCH EMERGENCY MAINTENANCE, CONDUCTED FOR A COMMON GOOD, SHALL NOT BE CONSTRUED AS CONSTITUTING A MAINTENANCE OBLIGATION ON THE PART OF THE CITY OF SANDY SPRINGS, NOR AN ABRIGATION OF THE CITY OF SANDY SPRINGS' RIGHT TO SEEK REIMBURSEMENT FOR EXPENSES FROM THE OWNER/S OF THE PROPERTY OR THE LANDS THAT GENERATED THE CONDITIONS.

### MINOR SUBDIVISION PLAT APPROVAL

THE DIRECTOR OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT OF SANDY SPRINGS, GEORGIA, CERTIFIES THAT THIS PLAT COMPLIES WITH THE CITY OF SANDY SPRINGS ZONING ORDINANCES, CONDITIONS OF ZONING, AND THE CITY OF SANDY SPRINGS SUBDIVISION REGULATIONS AS AMENDED. 2/1/07 PAGE 6 OF 7

FOR THE DIRECTOR, DEPARTMENT OF \_\_\_\_\_ DATE \_\_\_\_\_  
COMMUNITY DEVELOPMENT

### OWNER'S ACKNOWLEDGEMENT

THE OWNER OF RECORD OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED THERETO, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, HEREBY ACKNOWLEDGES THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY, DEDICATES TO FULTON COUNTY, THE COMPLETE OWNERSHIP AND USE OF ALL WATER AND SEWER IMPROVEMENTS CONSTRUCTED OR TO BE CONSTRUCTED IN ACCORDANCE WITH THIS PLAT, AND DEDICATED TO THE USE OF THE PUBLIC FOREVER THE FOLLOWING:  
PUBLIC STREETS 0.000 ACRES  
PUBLIC SEWER EASEMENTS 0.000 ACRES  
PUBLIC DRAINAGE EASEMENTS 0.000 ACRES  
PUBLIC PARKS/OPEN SPACE 0.000 ACRES

DARYL SHAW \_\_\_\_\_ ABERNATHY ROAD, LLC  
TYPED NAME OF SUBDIVIDER TYPED NAME OF OWNER OF RECORD

SIGNATURE OF SUBDIVIDER \_\_\_\_\_ SIGNATURE OF OWNER OF RECORD \_\_\_\_\_

DATE \_\_\_\_\_ DATE \_\_\_\_\_

### SURVEYOR'S CERTIFICATE

"IT IS HEREBY CERTIFIED THAT THIS MINOR SUBDIVISION PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY, MADE BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST, OR ARE MARKED AS "FUTURE", AND THEIR LOCATION, SIZE, TYPE AND MATERIAL IS CORRECTLY SHOWN."

*Glenn A. Valentino*  
\_\_\_\_\_  
GLENN A. VALENTINO  
REGISTERED GEORGIA LAND SURVEYOR NUMBER 2528

FIELD DATES: 3/14/13 - 3/28/13

### STATE OF GEORGIA PLAT ACT CERTIFICATION

I CERTIFY THAT THIS SURVEY WAS DONE UNDER MY SUPERVISION USING A TOPCON GTS 233W TOTAL STATION WITH AN ANGULAR ERROR OF 4 SECONDS PER STATION. THE TRAVERSE UPON WHICH THIS PLAT IS BASED, HAS BEEN CALCULATED FOR CLOSURE BY THE COMPASS RULE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 25,502 FEET. FOR THE ADJUSTED ACCURACY OF THIS PLAT SEE MAP CLOSURES.

SUBDIVISION PLAT OF:

GEORGIA VETERINARIAN SPECIALISTS

LAND LOTS 72 AND 73 17TH DISTRICT CITY OF SANDY SPRINGS, FULTON COUNTY, GEORGIA



**VALENTINO & ASSOCIATES, INC.**

LAND SURVEYORS

1280 WINCHESTER PARKWAY  
SUITE 243  
SMYRNA, GEORGIA 30080

PHONE: (770) 438-0015  
FAX: (770) 435-6050  
WEB: VALENTINOSURVEY.COM

### REVISIONS

6/25/13: REVISE BOUNDARY, ADDITIONAL FLOOD NOTE, AND CITY OF SANDY SPRINGS COMMENTS.



SCALE: AS SHOWN  
DATE: 4/11/2013  
JOB NUMBER: 96068  
FILE NUMBER: 96068-SD  
PLOTTED: 6/25/2013

**SUBDIVISION PLAT**

SHEET

1 OF 2

**POINT OF COMMENCEMENT**

THE INTERSECTION OF THE SOUTHERLY RAW OF ABERNATHY ROAD, AND THE EASTERLY RAW LINE OF CHERRY TREE LANE, IF SAID RAW LINES WERE EXTENDED TO FORM AN INTERSECTION INSTEAD OF A MITER.

**ABERNATHY ROAD  
(PAVED, PUBLIC R/W VARIES)  
GEORGIA D.O.T. PROJECT NO. S-1379(2)**

FULTON COUNTY  
MONUMENT F451  
N 1432208.622  
E 2234263.973  
ELEV. 948.919

**WILLIAMSON  
DRIVE**

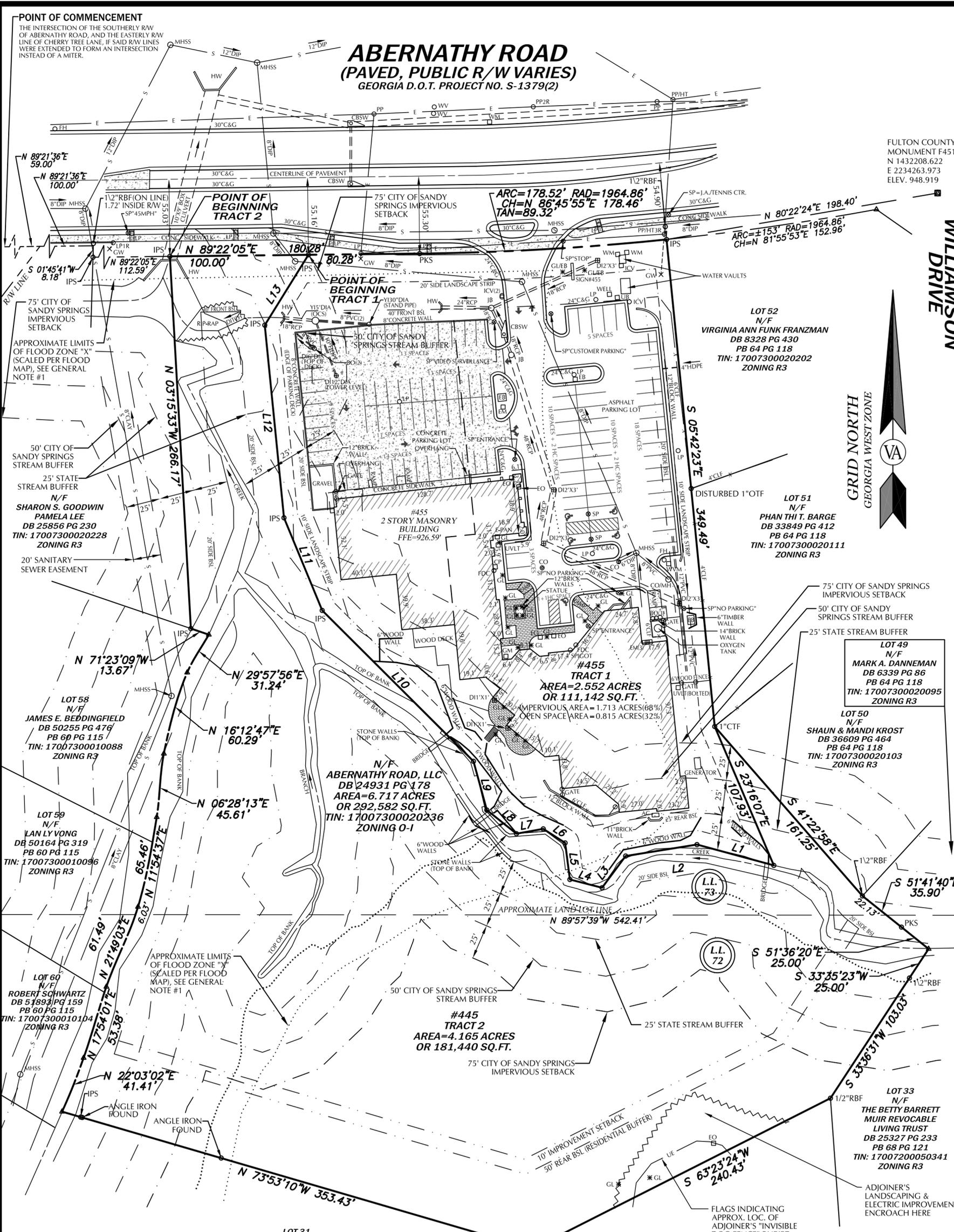
SUBDIVISION PLAT OF:

**GRID NORTH  
GEORGIA WEST ZONE**



**GEORGIA VETERINARIAN SPECIALISTS**

LAND LOTS 72 AND 73 17TH DISTRICT CITY OF SANDY SPRINGS, FULTON COUNTY, GEORGIA



**VALENTINO & ASSOCIATES, INC.**  
LAND SURVEYORS  
1280 WINCHESTER PARKWAY  
SUITE 243  
SMYRNA, GEORGIA 30080  
PHONE: (770) 438-0015  
FAX: (770) 435-6050  
WEB: VALENTINOSURVEY.COM

**REVISIONS**

6/25/13: REVISE BOUNDARY, ADDITIONAL FLOOD NOTE, AND CITY OF SANDY SPRINGS COMMENTS.



SCALE: 1" = 50'  
DATE: 4/11/2013  
JOB NUMBER: 96068  
FILE NUMBER: 96068-SD  
PLOTTED: 6/25/2013

**SUBDIVISION  
PLAT**

SHEET  
**2 OF 2**



**TRACT 1  
#455 ABERNATHY ROAD  
SANDY SPRINGS, GA 30328**

**TRACT 2  
#445 ABERNATHY ROAD  
SANDY SPRINGS, GA 30328**

RESOLUTION NO. \_\_\_\_\_

STATE OF GEORGIA  
COUNTY OF FULTON

**A RESOLUTION TO ACCEPT THE DONATION OF CERTAIN REAL PROPERTY  
LOCATED AT 445 ABERNATHY ROAD IN LAND LOTS 72 AND 73 OF THE 17TH  
DISTRICT, FULTON COUNTY, CITY OF SANDY SPRINGS, GEORGIA**

**WHEREAS**, Abernathy Land, LLC desires to donate certain real property to the City of Sandy Springs, Georgia (“the City”), said property being located at 445 Abernathy Road; and

**WHEREAS**, the Mayor and Council has considered the donation and determined that it is in the City’s best interest to accept the donation of said real property.

**NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL FOR THE CITY OF SANDY SPRINGS, GEORGIA:**

That the City of Sandy Springs Mayor and City Council accept the donation of the property located at 445 Abernathy Road, in Land Lots 72 and 73 of the 17th District, Fulton County, Georgia, as set forth in the exhibits attached hereto, and authorize the City Manager to sign and execute all documents required to facilitate this transaction.

**SO RESOLVED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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

Attest:

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

After recording return to:  
City of Sandy Springs  
7840 Roswell Rd., Bldg 500  
Sandy Springs, GA 30350  
Attn: Cecil McLendon, Esq.

## **DEED OF DONATION**

This indenture, made this \_\_\_ day of November, 2013 between the undersigned **ABERNATHY ROAD, LLC**, as party of the first part, and **SANDY SPRINGS, GEORGIA**, a municipal corporation, as party of the second part.

### **WITNESSETH:**

That for and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration in hand paid and the project hereinafter described, party of the first part do grant and convey unto party of the second part, its successors and assigns, the following property to-wit:

That tract of land lying and being in Land Lots 72 and 73 of the 17<sup>th</sup> District, City of Sandy Springs, Fulton County, Georgia, and more particularly described in the legal description referenced herein and attached hereto as Exhibit "A".

To have and to hold the bargained premises unto grantee, its successors and assigns forever in fee simple and subject to covenants, easements and restrictions of record (if any).

The party of the first part will forever warranty and defend the title to the bargained premises unto party of the second party, its successors and assigns against the claims of all persons claiming by, through or under Grantor.

**IN WITNESS WHEREOF**, Grantor has signed and sealed this deed, the day and year first above written.

Signed, sealed and delivered  
in the presence of:

ABERNATHY ROAD, LLC

\_\_\_\_\_  
Unofficial Witness

By: \_\_\_\_\_  
Darryl Shaw

\_\_\_\_\_  
Notary Public

Its: \_\_\_\_\_

(NOTARY SEAL)

My Commission Expires:

## EXHIBIT "A"

### LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lots 72 and 73 of the 17th Land District, City of Sandy Springs, Fulton County, Georgia, said tract or parcel of land being more fully shown and designated as Tract 2, on a plat of survey prepared by Valentino & Associates, Inc. (Job #96068; Drawing/File #96068-SD), bearing the seal of Glenn A. Valentino, Ga. Registered Land Surveyor #2528, and being more particularly described, with bearings relative to Grid North, Georgia West Zone, as follows:

To find the Point of Beginning, commence at the intersection of the southerly right-of-way of Abernathy Road (r/w varies), and the easterly right-of-way line of Cherry Tree Lane (50' r/w), if said right-of-way lines were extended to form an intersection instead of a miter.

THENCE North 89 degrees 21 minutes 36 seconds East for a distance of 59.00 feet along the southerly right-of-way line extension of Abernathy Road to a point on the southerly right-of-way line of Abernathy Road.

THENCE along said southerly right-of-way line of Abernathy Road the following courses and distances, North 89 degrees 21 minutes 36 seconds East for a distance of 100.00 feet to a point.

THENCE South 01 degrees 45 minutes 41 seconds West for a distance of 8.18 feet to a 1/2" iron pin set.

THENCE North 89 degrees 22 minutes 05 seconds East for a distance of 112.59 feet to a 1/2" iron pin set, said 1/2" iron pin set being the POINT OF BEGINNING.

THENCE continuing along said southerly right-of-way line of Abernathy Road, North 89 degrees 22 minutes 05 seconds East for a distance of 100.00 feet to a 1/2" iron pin set.

THENCE leaving the southerly right-of-way line of Abernathy Road, South 32 degrees 06 minutes 42 seconds West for a distance of 59.28 feet to a 1/2" iron pin set.

THENCE South 05 degrees 45 minutes 43 seconds East for a distance of 138.26 feet to a 1/2" iron pin set.

THENCE South 22 degrees 37 minutes 06 seconds East for a distance of 71.66 feet to a 1/2" iron pin set.

THENCE South 45 degrees 23 minutes 27 seconds East for a distance of 153.37 feet to a point at the top of the bank of a creek.

THENCE along the top of the bank of said creek the following courses and distances, South 15 degrees 25 minutes 49 seconds East for a distance of 36.10 feet to a point.

THENCE South 51 degrees 38 minutes 00 seconds East for a distance of 27.27 feet to a point.

THENCE North 79 degrees 54 minutes 25 seconds East for a distance of 19.68 feet to a point.

THENCE South 57 degrees 33 minutes 51 seconds East for a distance of 18.71 feet to a point.

THENCE South 07 degrees 30 minutes 14 seconds East for a distance of 26.32 feet to a point.

THENCE South 75 degrees 43 minutes 46 seconds East for a distance of 23.94 feet to a point.

THENCE North 36 degrees 52 minutes 13 seconds East for a distance of 28.32 feet to a point.

THENCE North 80 degrees 59 minutes 05 seconds East for a distance of 52.14 feet to a point.

THENCE South 75 degrees 00 minutes 38 seconds East for a distance of 57.41 feet to a point.

THENCE leaving the top of the bank of said creek North 23 degrees 16 minutes 07 seconds West for a distance of 107.93 feet to a 1" crimped top pipe found.

THENCE South 41 degrees 22 minutes 58 seconds East for a distance of 161.25 feet to a 1/2" iron pin found.

THENCE South 51 degrees 41 minutes 40 seconds East for a distance of 35.90 feet to a pk nail set in a rock.

THENCE South 51 degrees 36 minutes 20 seconds East for a distance of 25.00 feet to a point in the centerline of a creek.

THENCE South 33 degrees 35 minutes 23 seconds West for a distance of 25.00 feet to a 1/2" iron pin found.

THENCE South 33 degrees 36 minutes 31 seconds West for a distance of 103.03 feet to a 1/2" iron pin found.

THENCE South 63 degrees 23 minutes 24 seconds West for a distance of 240.43 feet to a 1" crimp top pipe found.

THENCE North 73 degrees 53 minutes 10 seconds West for a distance of 353.43 feet to a point in the centerline of a creek, (not the same creek previously mentioned).

THENCE along the centerline of said creek the following courses and distances, North 22 degrees 03 minutes 02 seconds East for a distance of 41.41 feet to a point.

THENCE North 17 degrees 54 minutes 01 second East for a distance of 53.38 feet to a point.

THENCE North 21 degrees 49 minutes 03 seconds East for a distance of 61.49 feet to a point.

THENCE North 11 degrees 54 minutes 37 seconds East for a distance of 65.46 feet to a point.

THENCE North 06 degrees 28 minutes 13 seconds East for a distance of 45.61 feet to a point.

THENCE North 16 degrees 12 minutes 47 seconds East for a distance of 60.29 feet to a point.

THENCE North 29 degrees 57 minutes 56 seconds East for a distance of 31.24 feet to a point.

THENCE leaving the centerline of said creek, North 71 degrees 23 minutes 09 seconds West for a distance of 13.67 feet to a 1/2" iron pin set.

THENCE North 03 degrees 15 minutes 33 seconds West for a distance of 266.17 feet to a 1/2" iron pin set on said southerly right-of-way line of Abernathy Road, said 1/2" iron pin set being the POINT OF BEGINNING.

Said tract or parcel contains 4.165 acres or 181,440 square feet, and is intended to be a portion of the tract of land that was previously conveyed in Deed Book 24931, Page 178, Fulton County Georgia Records.