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**CITY COUNCIL AGENDA ITEM**

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**TO:** Mayor & City Council

**DATE:** September 26, 2013

**FROM:** John McDonough, City Manager

**AGENDA ITEM:** Acceptance of the Donation of a Right of Way Deed on the T-6012-1 Mt. Paran Road Sidewalk Project (101 Mt. Paran Road)

**MEETING DATE:** For Submission onto the October 1, 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:  APPROVED

PLACED ON AGENDA FOR: 10/1/2013

CITY ATTORNEY APPROVAL REQUIRED: (  ) YES (  ) NO

CITY ATTORNEY APPROVAL: 

REMARKS:



TO: John McDonough, City Manager

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

DATE: September 9, 2013, for Submission onto the Consent Agenda of the October 1, 2013 City Council Meeting

ITEM: Acceptance of the Donation of a Right of Way Deed on the T-6012-1 Mt. Paran Road Sidewalk Project

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***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 92 of the 17<sup>th</sup> District, Fulton County, Georgia. The property as shown in the attached exhibit is owned by Card Group Properties, LLC and the property is located at 101 Mt. Paran Road, Sandy Springs, Georgia. The fee simple Right of Way area consists of 699.90 square feet. .

***Background:***

The acquisition of fee simple Right of Way across the Card Group Properties, LLC tract is necessary in order to construct the T-6012-1 Mt. Paran Road Sidewalk Project. The Owner agreed to donate the required rights of way to the City. The tax value of the area that is being donated is \$8,750.00.

***Discussion:***

This is a generous donation to the City for a sidewalk project intended to provide safer pedestrian travel along Mt. Paran Road.

***Alternatives:***

The City could elect to forego the construction of the sidewalk project.

***Financial Impact:***

No financial impact. The tax value of the ROW donation is \$8,750.00 and the owners is not requiring compensation.

***Attachments:***

- I. Exhibits
  - Aerial and GIS Maps
  - Executed Agreement to Purchase Right of Way (including Plat and Legal Description)
- II. Resolution

**RIGHT OF WAY DEED**

**STATE OF GEORGIA  
FULTON COUNTY**

THIS INDENTURE, made this 22nd day of July, 2013 between Card Group Properties, LLC, party of the first part, and The City of Sandy Springs, Georgia, party of the second part.

WITNESSETH, That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, in hand paid and the project hereinafter described, party(ies) of the first part do(es) 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 Lot 92 of the 17<sup>th</sup> Land District of Fulton County, Georgia, as described in Deed Book# 52334, Page#658 and more particularly described as follows:

**See Exhibits "A" and "B"**

It is the intent of both parties that the City of Sandy Springs, GA shall acquire a total of 699.90 square feet of fee simple right of way for the purpose of sidewalk construction along Mt. Paran Road.

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

Party(ies) of the first part will forever warrant and defend the title to the bargained premises unto party of the second party, its successors and assigns against the claims of the persons whomsoever.

IN WITNESS WHEREOF, parties of the first part has(have) hereunto set its/his/her/their hand(s) and seal (s) the day and year above written.

Signed, sealed and delivered  
in the presence of:

Card Group Properties, LLC

*Grazzella Boudet*  
Witness

By: *[Signature]* (SEAL)

Name: Jov H. CARD

Title: PRESIDENT

*[Signature]*  
Notary Public



**EXHIBIT "A"**

LEGAL DESCRIPTION/ REQUIRED RIGHT OF WAY  
CITY OF SANDY SPRINGS  
FULTON COUNTY, GEORGIA  
PROJECT: T-6012-1  
101 MT PARAN ROAD  
PARCEL NO. 9 / Card Group Properties

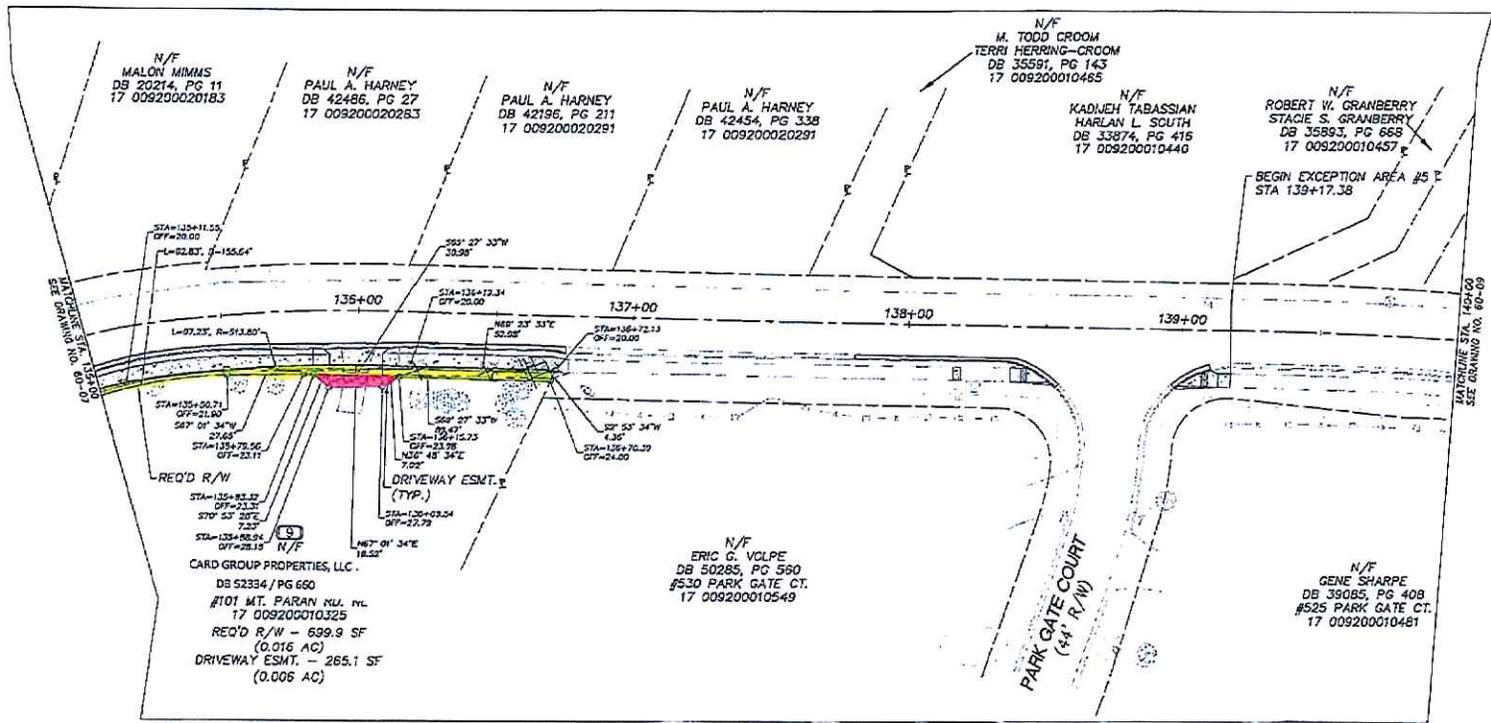
ALL THAT TRACT or parcel of land lying and being in Land Lot 92 of the 17th District, City of Sandy Springs, Fulton County, Georgia and being more particularly described as follows:

BEGINNING at a point 20.00 feet right and opposite of Station 134+36.00 on City of Sandy Springs Roadway Improvement Project No.T-6012-1; THENCE along a curve to the right an arc length of 39.16 feet having a radius of 523.79 feet and a chord bearing of NORTH 36 DEGREES 53 MINUTES 28 SECONDS EAST and a chord distance of 39.15 feet; THENCE with a compound curve to the right an arc length of 62.83 feet having a radius of 155.64 feet and a chord bearing of NORTH 55 DEGREES 27 MINUTES 42 SECONDS EAST and a chord distance of 62.40 feet; THENCE proceeding NORTH 67 DEGREES 01 MINUTES 34 SECONDS EAST a distance of 27.65 feet to a point; THENCE proceeding NORTH 69 DEGREES 27 MINUTES 33 SECONDS EAST a distance of 89.47 feet to a point; THENCE proceeding NORTH 02 DEGREES 53 MINUTES 34 SECONDS EAST a distance of 4.36 feet to a point; THENCE proceeding SOUTH 69 DEGREES 23 MINUTES 33 SECONDS WEST a distance of 52.98 feet to a point; THENCE along a curve to the left an arc length of 97.23 feet having a radius of 513.80 feet and a chord bearing of SOUTH 64 DEGREES 55 MINUTES 53 SECONDS WEST and a chord distance of 97.09 feet; THENCE with a compound curve to the left an arc length of 71.90feet having a radius of 141.05 feet and a chord bearing of SOUTH 43 DEGREES 50 MINUTES 37 SECONDS WEST , and a chord distance of 71.12 feet; THENCE proceeding SOUTH 48 DEGREES 23 MINUTES 13 SECONDS EAST a distance of 3.24 feet to a point and POINT OF BEGINNING. **Said parcel contains 699.9 Square Feet or 0.016 Acres.**

Grantor also agrees to grant Temporary Driveway Easements to the Grantee for the purposes of reconstructing driveway aprons after the construction of the sidewalks. Said Temporary Driveway Easements are more particularly shown on Exhibit "B", attached hereto and made partof by reference. The Temporary Driveway Easements shall expire upon the completion and acceptance of the project by the City of Sandy Springs Public Works Department.



**Exhibit B**



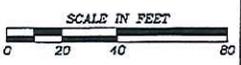
Drawing made by: UNIVERSITY OF GEORGIA, CIVIL ENGINEERING DEPARTMENT, 1100 UNIVERSITY DRIVE, ATHENS, GA 30602-1001  
 Date: 06/18/13  
 Scale: AS SHOWN



PROPERTY AND E.L. R/W LINE	STORY LINE	TELEPHONE LINE	1
ACQUIRED R/W LINE	CONSTRUCTION LIMITS	ON POWER LINE	2
EASEMENT EASEMENT FOR MAINTENANCE	CONSTRUCTION LIMITS	IG POWER LINE	3
EASEMENT EASEMENT FOR CONSTRUCTION OF DRIVEWAYS	CONSTRUCTION LIMITS	WATER LINE	4
EASEMENT EASEMENT FOR CONSTRUCTION OF DRIVEWAYS	CONSTRUCTION LIMITS	FIBER OPTIC LINE	5
EASEMENT EASEMENT FOR CONSTRUCTION OF DRIVEWAYS	CONSTRUCTION LIMITS	GAS	6
EASEMENT EASEMENT FOR CONSTRUCTION OF DRIVEWAYS	CONSTRUCTION LIMITS	PRIMARY SEWER LINE	7
EASEMENT EASEMENT FOR CONSTRUCTION OF DRIVEWAYS	CONSTRUCTION LIMITS	LIGHTING CONDUIT	8
EASEMENT EASEMENT FOR CONSTRUCTION OF DRIVEWAYS	CONSTRUCTION LIMITS	RETAINING WALL	9
EASEMENT EASEMENT FOR CONSTRUCTION OF DRIVEWAYS	CONSTRUCTION LIMITS	LIMIT OF DISTURBANCE	10



**SEI**  
 SOUTHEASTERN ENGINEERING, INC.  
 1275 Sandy Plains Road, Marietta, Georgia 30066  
 Tel: 770-321-2936 Fax: 770-321-3113  
 www.seieng.com



REVISION	DATE	DESCRIPTION

CITY OF SANDY SPRINGS  
 PUBLIC WORKS DEPARTMENT  
 OFFICE: PUBLIC WORKS DATE: 06/18/13  
**RIGHT OF WAY PLAN**  
 ROADWAY IMPROVEMENTS  
 MT. PARAN ROAD  
 SHEET NO. 60-08

STATE OF GEORGIA  
COUNTY OF FULTON

**A RESOLUTION TO ACCEPT THE DONATION OF A RIGHT OF WAY DEED ON PROPERTY  
LOCATED IN LAND LOT 92 OF THE 17<sup>th</sup> DISTRICT, CITY OF SANDY SPRINGS,  
FULTON COUNTY, 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 Department of Public Works, 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 101 Mt. Paran Road, from Card Group Properties, LLC, in Land Lot 92 of the 17<sup>th</sup> 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-6012-1 Mt. Paran Road Sidewalk Project, the City approves the acceptance of the donation of a Right of Way Deed located in Land Lot 92 of the 17<sup>th</sup> District, Fulton County, City of Sandy Springs, Georgia.

**RESOLVED** this 1<sup>st</sup> day of October, 2013.

**APPROVED:**

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

Attest:

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