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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 Right of Way Deeds on the T-6012-1 Mt. Paran Road Sidewalk Project (141, 151 and 161 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 Right of Way Deeds 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 Right of Way Deeds on those tracts or parcels 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 exhibits is owned by International Building Associates, GP and the properties are located at 141, 151 and 161 Mt. Paran Road, Sandy Springs, Georgia. The fee simple Right of Way area consists of 1,375.30 square feet.

***Background:***

The acquisition of fee simple Right of Way across the International Building Associates, GP tracts 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 approximately \$7,200.00.

***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 \$7,200.00 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

STATE OF GEORGIA  
FULTON COUNTY

RIGHT OF WAY DEED

THIS INDENTURE, made this 19<sup>th</sup> day of August, 2013, between INTERNATIONAL BUILDING ASSOCIATES, a Georgia General Partnership, as Grantor, 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:

All that tract or parcel of land lying and being in Land Lot 92 of the 17<sup>th</sup> District of Fulton County, Georgia, and being more particularly described in Exhibit "A" attached hereto and shown on the Plat attached as Exhibit "B"; and numbered as 141 Mt. Vernon Road, Sandy Springs, GA.

It is the intent of the parties that the City of Sandy Springs shall acquire Right of Way amounting to 399.00 square feet for the purpose of (road improvements and/or sidewalk and street improvements).

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 hereto caused this deed to be executed and its seal affixed hereto the day and year above written.

INTERNATIONAL BUILDING  
ASSOCIATES, a Georgia General Partnership

NAME:  
By: GERALD L. ALLISON (SEAL)

By: [Signature]  
Name:

Title: Partner

Attest: Keith Clayton

[Signature]  
Unofficial Witness



[Signature]  
Notary Public

## EXHIBIT "A"

LEGAL DESCRIPTION/ REQUIRED RIGHT OF WAY  
CITY OF SANDY SPRINGS  
FULTON COUNTY, GEORGIA  
PROJECT: T-6012-1  
141 MT PARAN ROAD  
PARCEL NO. 10 / INT'L BUILDING ASSOCIATES

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 140+99.51 on City of Sandy Springs Roadway Improvement Project No.T-6012-1; THENCE along a curve to the right an arc length of 104.00 feet and having a radius of 416.28 feet and a chord bearing of NORTH 85 DEGREES 26 MINUTES 20 SECONDS EAST and a chord distance of 103.73 feet; THENCE proceeding SOUTH 43 DEGREES 18 MINUTES 54 SECONDS EAST a distance of 5.29 feet to a point; THENCE proceeding SOUTH 85 DEGREES 57 MINUTES 54 SECONDS EAST a distance of 13.12 feet to a point; THENCE proceeding NORTH 01 DEGREES 31 MINUTES 00 SECONDS WEST a distance of 5.18 feet to a point; THENCE along a curve to the left an arc length of 147.52 feet and having a radius of 497.11 feet and a chord bearing of SOUTH 85 DEGREES 29 MINUTES 03 SECONDS WEST , and a chord distance of 146.98 feet; THENCE along a compound curve to the left an arc length of 27.60 feet and having a radius of 1293.60 feet and a chord bearing of SOUTH 77 DEGREES 01 MINUTES 55 SECONDS WEST and a chord distance of 27.60 feet; THENCE proceeding SOUTH 02 DEGREES 32 MINUTES 44 SECONDS EAST a distance of 3.15 feet to a point; THENCE along a curve to the left an arc length of 54.69 feet and having a radius of 16531.91 feet and a chord bearing of NORTH 77 DEGREES 02 MINUTES 52 SECONDS EAST and a chord distance of 54.69 feet to a point and POINT OF BEGINNING. **Said parcel contains 399.4 Square Feet or 0.009 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 part of 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.



STATE OF GEORGIA  
FULTON COUNTY

RIGHT OF WAY DEED

THIS INDENTURE, made this 19<sup>th</sup> day of August, 2013, between INTERNATIONAL BUILDING ASSOCIATES, a Georgia General Partnership, as Grantor, 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:

All that tract or parcel of land lying and being in Land Lot 92 of the 17<sup>th</sup> District of Fulton County, Georgia, and being more particularly described in Exhibit "A" attached hereto and shown on the Plat attached as Exhibit "B"; and numbered as 151 Mt. Vernon Road, Sandy Springs, GA.

It is the intent of the parties that the City of Sandy Springs shall acquire Right of Way amounting to 517.70 square feet for the purpose of (road improvements and/or sidewalk and street improvements).

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 hereto caused this deed to be executed and its seal affixed hereto the day and year above written.

INTERNATIONAL BUILDING ASSOCIATES, a Georgia General Partnership

Sandra Bode

Unofficial Witness

By: [Signature] (SEAL)

Name: GERALD L. ALLISON

Title: PARTNER

Attest: [Signature]



Tina Rae Sorrels

Notary Public

## EXHIBIT "A"

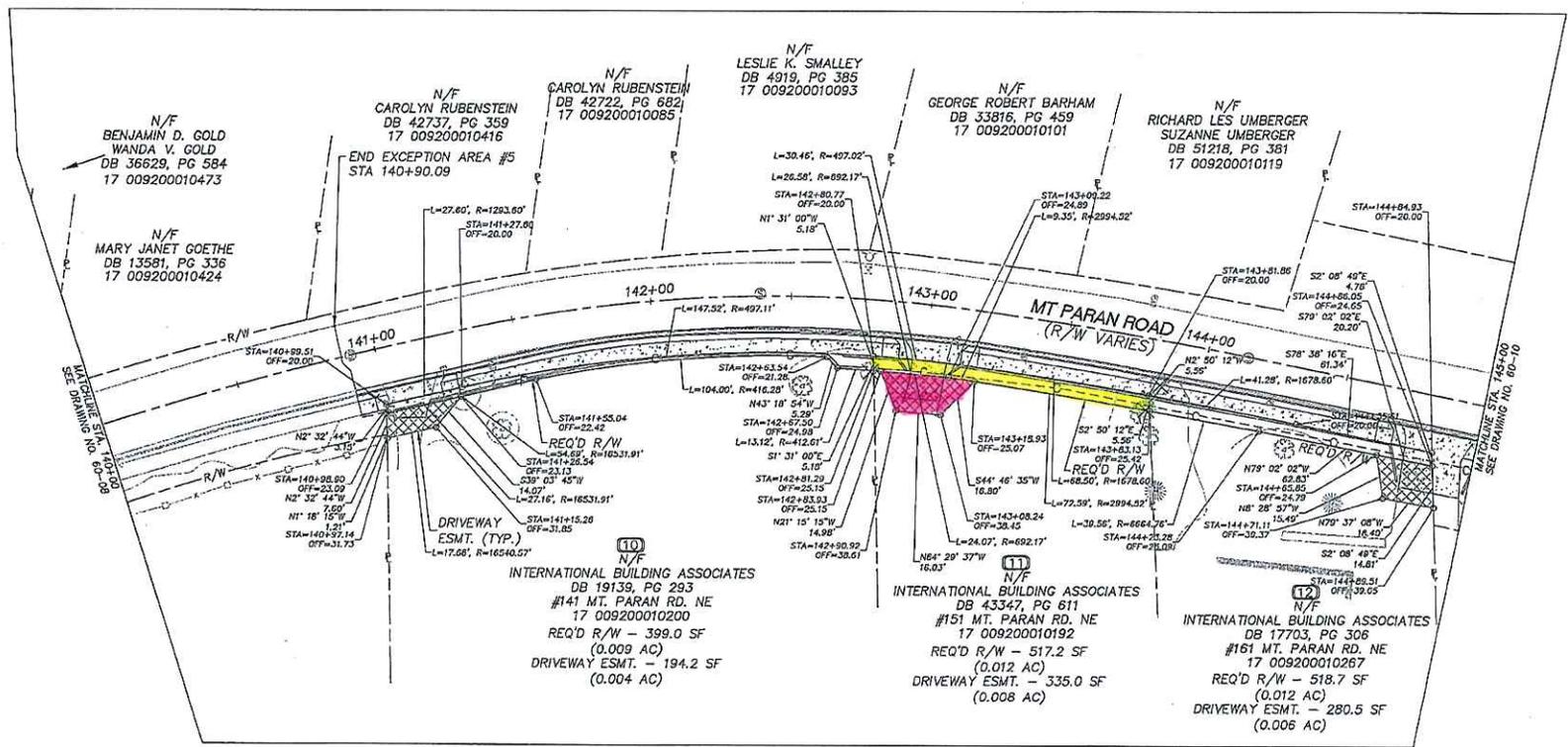
LEGAL DESCRIPTION/ REQUIRED RIGHT OF WAY  
CITY OF SANDY SPRINGS  
FULTON COUNTY, GEORGIA  
PROJECT: T-6012-1  
151 MT PARAN ROAD  
PARCEL NO. 11 / INT'L BUILDING ASSOCIATES

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 142+80.77 on City of Sandy Springs Roadway Improvement Project No.T-6012-1; THENCE along a curve to the left an arc length of 26.58 feet and having a radius of 692.17 feet and a chord bearing of NORTH 84 DEGREES 58 MINUTES 14 SECONDS WEST and a chord distance of 26.57 feet; THENCE proceeding NORTH 01 DEGREES 31 MINUTES 00 SECONDS WEST a distance of 5.18 feet to a point; THENCE along a curve to the right an arc length of 30.46 feet and having a radius of 497.02 feet and a chord bearing of SOUTH 84 DEGREES 15 MINUTES 29 SECONDS EAST and a chord distance of 30.45 feet; THENCE along a compound curve to the right an arc length of 68.50 feet and having a radius of 1678.60 feet and a chord bearing of SOUTH 81 DEGREES 03 MINUTES 39 SECONDS EAST and a chord distance of 68.50 feet; THENCE proceeding SOUTH 02 DEGREES 50 MINUTES 12 SECONDS EAST a distance of 5.56 feet to a point; THENCE along a curve to the left an arc length of 72.59 feet and having a radius of 2994.52 feet and a chord bearing of NORTH 80 DEGREES 41 MINUTES 29 SECONDS WEST and a chord distance of 72.59 feet to a point and POINT OF BEGINNING. **Said parcel contains 517.2 Square Feet or 0.012 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 part of 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

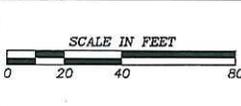


City of Sandy Springs, Georgia, 2012. All rights reserved. This drawing is the property of Southeastern Engineering, Inc. and is not to be used for any other project without the written consent of Southeastern Engineering, Inc.

PROPERTY AND EX. R/W LINE	—	STORM LINE	—
REQUIRED R/W LINE	—	TELEPHONE LINE	—
CONSTRUCTION LIMITS	—	OR POWER LINE	—
PERMANENT EASEMENT FOR MAINTENANCE	—	OR POWER LINE	—
TEMPORARY EASEMENT FOR CONSTRUCTION	—	WATER LINE	—
EASEMENT FOR CONSTRUCTION OF DRIVEWAYS	—	FIBER OPTIC LINE	—
PERMANENT DRAINAGE EASEMENT	—	GAS LINE	—
		SEWERS/SEWER LINE	—
		LIGHTING CONDUIT	—
		RETAINING WALL	—
		LIMIT OF DISTURBANCE	—



**SEI**  
 SOUTHEASTERN ENGINEERING, INC.  
 7470 Sandy Plains Road, Marietta, Georgia 30066  
 404.770.3113 FAX: 404.770.3113  
 www.seieengineering.com



REVISION	DATE

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. 60-09



STATE OF GEORGIA  
FULTON COUNTY

RIGHT OF WAY DEED

THIS INDENTURE, made this 19<sup>th</sup> day of August, 2013, between INTERNATIONAL BUILDING ASSOCIATES, a Georgia General Partnership, as Grantor, 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:

All that tract or parcel of land lying and being in Land Lot 92 of the 17<sup>th</sup> District of Fulton County, Georgia, and being more particularly described in Exhibit "A" attached hereto and shown on the Plat attached as Exhibit "B"; and numbered as 161 Mt. Vernon Road, Sandy Springs, GA.

It is the intent of the parties that the City of Sandy Springs shall acquire Right of Way amounting to 518.70 square feet for the purpose of (road improvements and/or sidewalk and street improvements).

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 hereto caused this deed to be executed and its seal affixed hereto the day and year above written.

INTERNATIONAL BUILDING  
ASSOCIATES, a Georgia General Partnership

Sandra Paede

Unofficial Witness

By: [Signature] (SEAL)

Name: GERALD L. ALLISON

Title: PARTNER

Attest: [Signature]

Tina Rae Sorrels

Notary Public



## EXHIBIT "A"

LEGAL DESCRIPTION/ REQUIRED RIGHT OF WAY  
CITY OF SANDY SPRINGS  
FULTON COUNTY, GEORGIA  
PROJECT: T-6012-1  
161 MT PARAN ROAD  
PARCEL NO. 12 / INT'L BUILDING ASSOCIATES

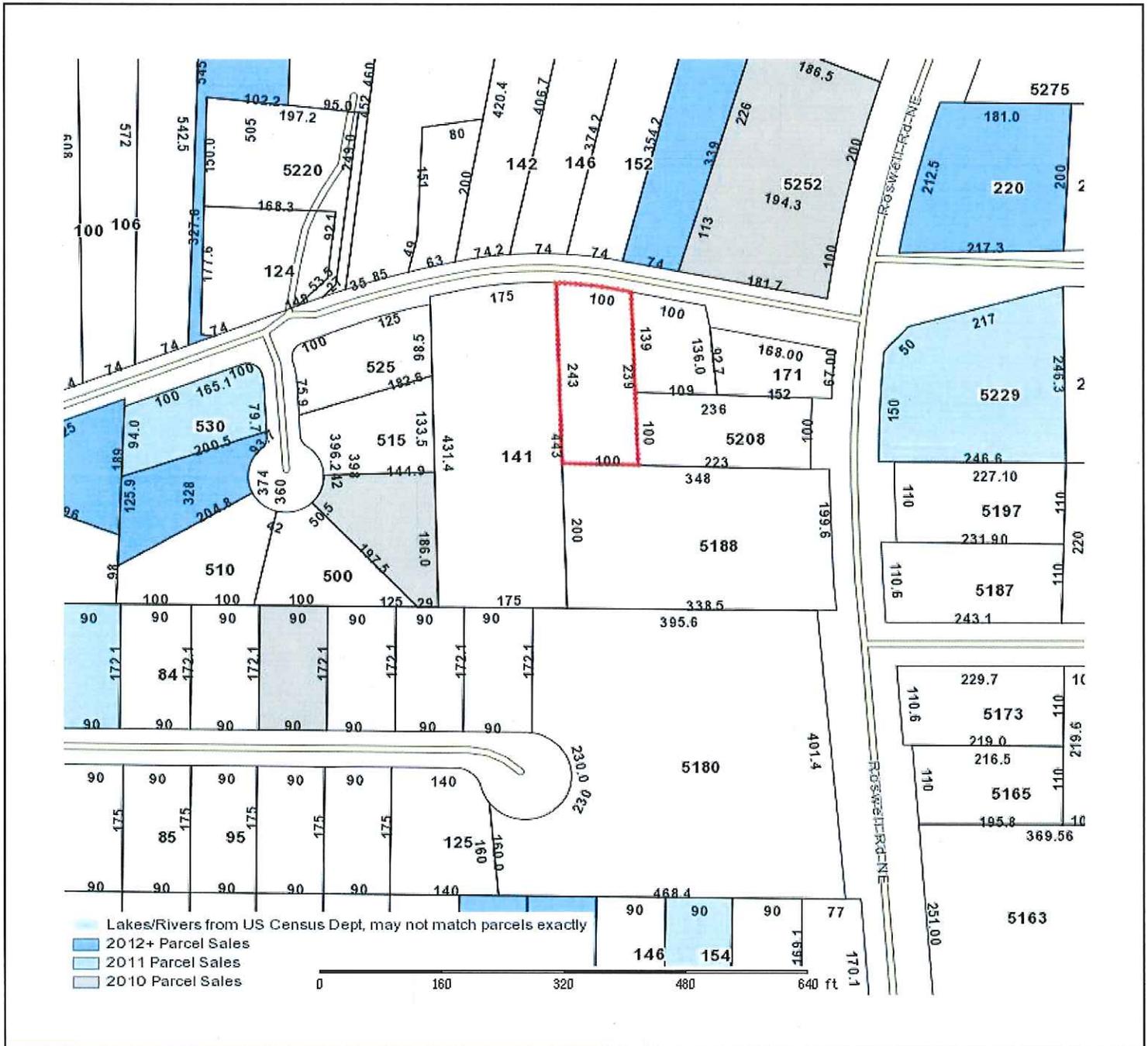
ALL THAT TRACT or parcel of land lying and being in Land Lot 92 of the 17th District, City of Sandy Springs, Fulton County, Georgia and being more particularly described as follows:

BEGINNING at a point 20.00 feet right and opposite of Station 143+82.06 on City of Sandy Springs Roadway Improvement Project No.T-6012-1; THENCE along a curve to the right an arc length of 39.56 feet and having a radius of 6664.76 feet and a chord bearing of NORTH 79 DEGREES 39 MINUTES 25 SECONDS WEST , and a chord distance of 39.56 feet; THENCE proceeding NORTH 02 DEGREES 50 MINUTES 12 SECONDS WEST a distance of 5.56 feet to a point; THENCE along a curve to the right an arc length of 41.28 feet and having a radius of 1678.60 feet and a chord bearing of SOUTH 79 DEGREES 11 MINUTES 14 SECONDS EAST and a chord distance of 41.28 feet; THENCE proceeding SOUTH 78 DEGREES 38 MINUTES 16 SECONDS EAST a distance of 61.34 feet to a point; THENCE proceeding SOUTH 02 DEGREES 08 MINUTES 49 SECONDS EAST a distance of 4.78 feet to a point; THENCE proceeding NORTH 79 DEGREES 02 MINUTES 02 SECONDS WEST a distance of 62.83 feet; to a point and POINT OF BEGINNING. **Said parcel contains 518.7 Square Feet or 0.012 Acres.**

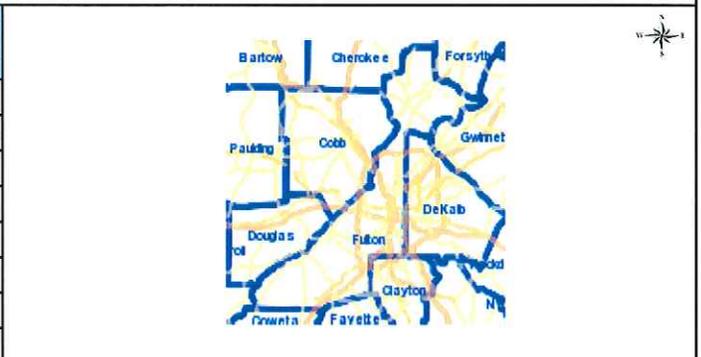
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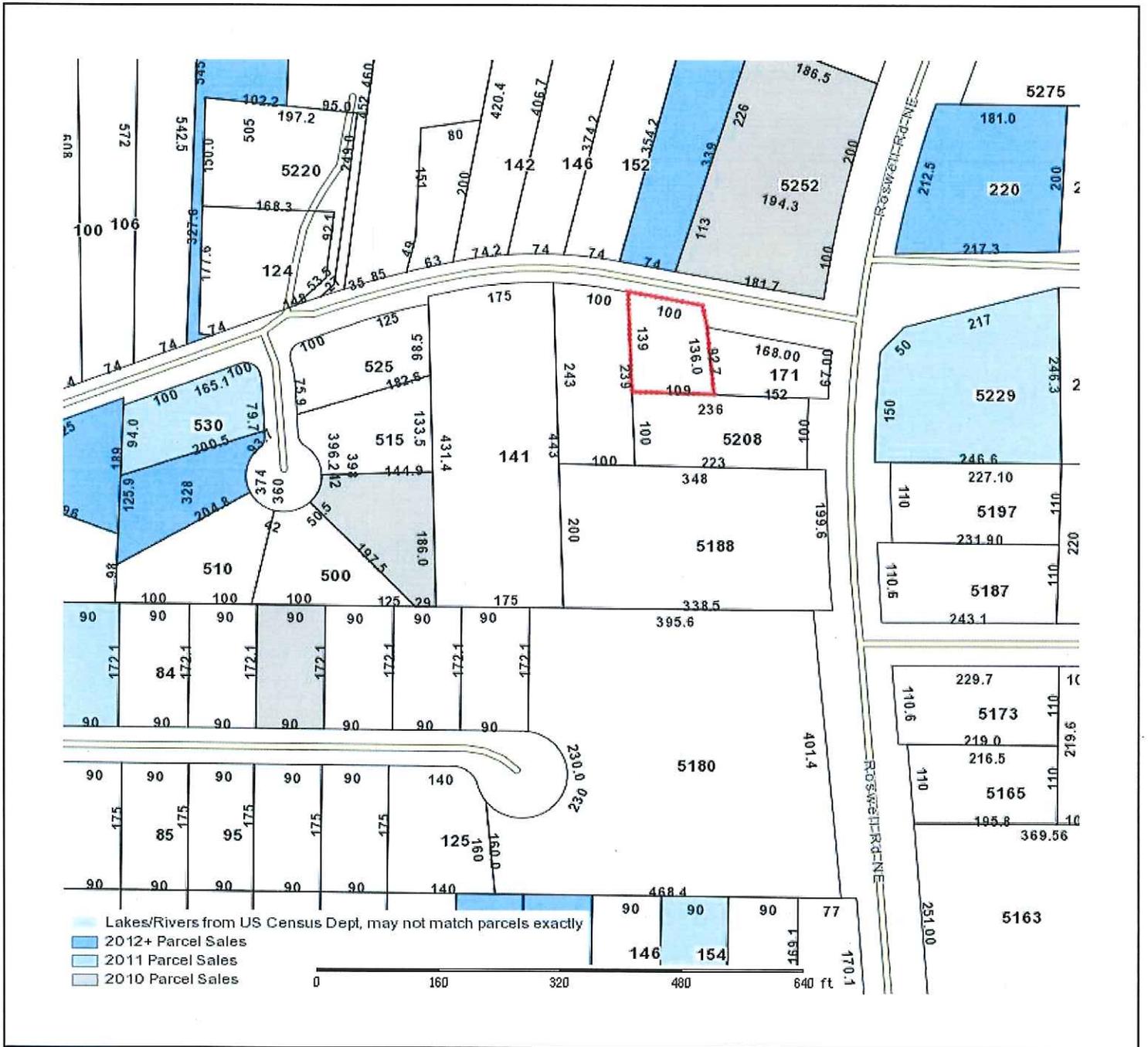


151 Mt. Paran Road ROW Donation			
Parcel: 17 009200010192 Acres: 0			
Name:	INTERNATIONAL BUILDING	Land Value	\$ 225,800
Site:	151 MOUNT PARAN RD	Building Value	\$ 89,200
Sale:	0 on 2006-10-27 Reason=U Qual=T	Misc Value	0
Mail:	5188 ROSWELL RD ATLANTA, GA 30342	Total Value:	\$ 315,000



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: 09/04/13 : 10:26:08



161 Mt. Paran Road ROW Donation			
Parcel: 17 009200010267 Acres: 0			
Name:	INTERNATIONAL BUILDING ASSOC	Land Value	\$ 276,300
Site:	161 MOUNT PARAN RD	Building Value	\$ 63,700
Sale:	\$104,700 on 1986-11-24 Reason=U Qual=9	Misc Value	0
Mail:	5188 ROSWELL RD	Total Value:	\$ 340,000
	ATLANTA, GA 30342		

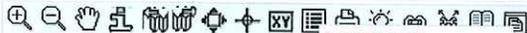


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Date printed: 09/04/13 : 10:26:44

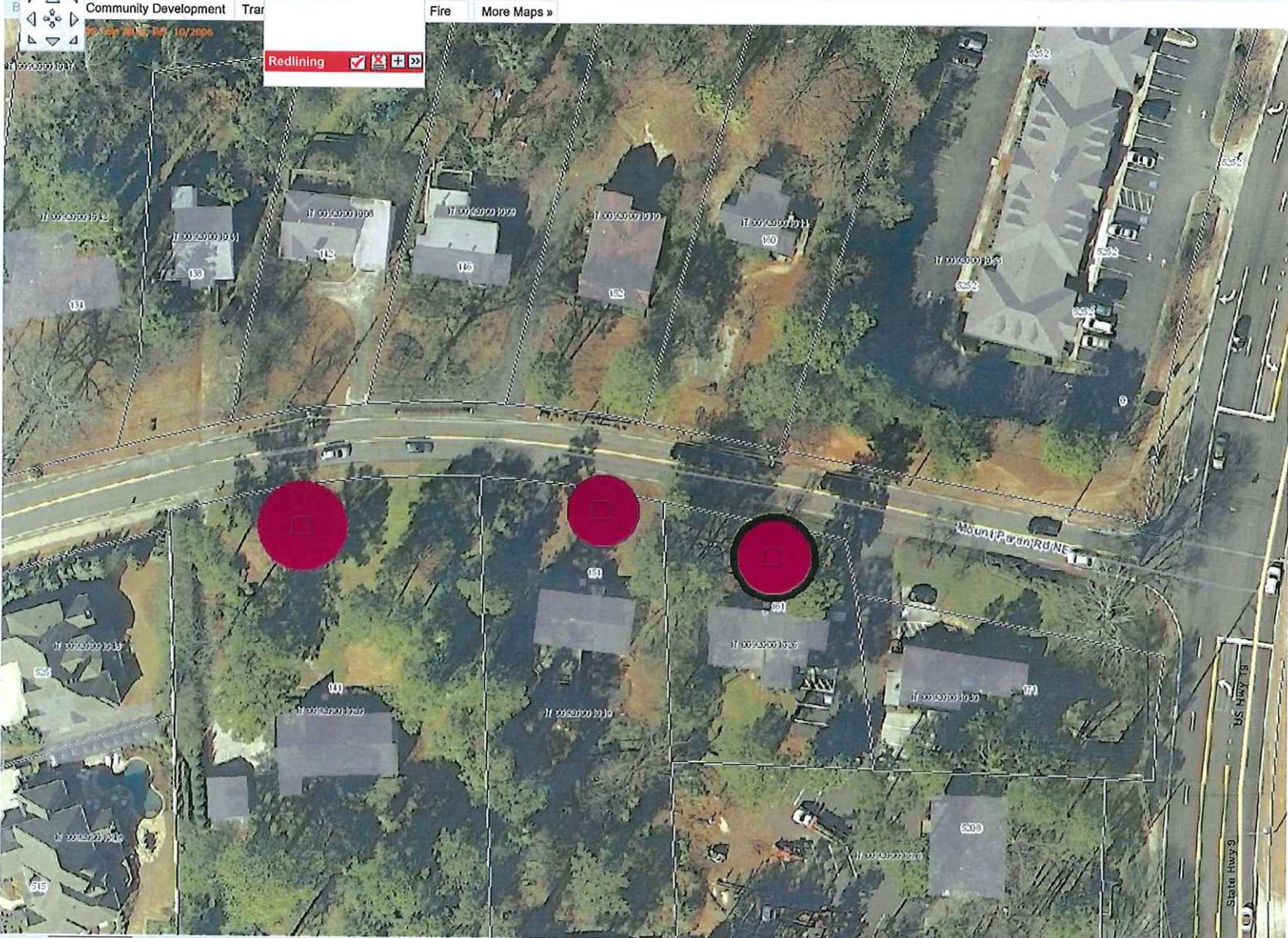


INCORPORATED 2005



Selection List

Work With Map



Scale 1: 713.06 GO

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 Right of Way Deeds by the City of Sandy Springs for the properties located at 141, 151 and 161 Mt. Paran Road, from International Building Associates, GP, 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 Right of Way Deeds 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)