



CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council **DATE:** August 14, 2013

FROM: John McDonough, City Manager

AGENDA ITEM: Resolution to Authorize the use of Eminent Domain to Acquire Property Located at 245 Johnson Ferry Road, N.E., Sandy Springs, Georgia, Parcel ID: 17-0089-LL-114-8 ("Property") for Public Use

MEETING DATE: For Submission onto the August 20, 2013, City Council Regular Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Resolution

APPROVAL BY CITY MANAGER: J.M. APPROVED

PLACED ON AGENDA FOR: 8/20/2013

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: S.M.

REMARKS:



To: Honorable Mayor and City Council Members

From: Wendell K. Willard

Date: For Submission on the August 20, 2013 City Council Meeting Agenda

Item: Resolution to authorize the use of eminent domain to acquire property located at 245 Johnson Ferry Road, N.E., Sandy Springs, Georgia, Parcel ID: 17-0089-LL-114-8 ("Property") for public use

City Attorney's Recommendation:

The City Attorney's Office recommends that the Council approve the attached resolution authorizing the use of eminent domain to acquire the above-referenced Property.

Background and Discussion:

The Property is within the scope of the City Center Master Plan. Acquisition of fee simple interest in the Property is necessary for development of the City Center in accordance with the Master Plan. The purpose for which the Property will be acquired constitutes a "public use" under Georgia eminent domain law.

The City Attorney has acted in good faith and has made every reasonable effort to acquire the Property by negotiation. An appraisal has been obtained on the Property and the City has offered the owners the appraised value of \$1,250,000.00. The City's efforts to acquire the Property by negotiation have not been successful to date; therefore, the City now seeks to obtain fee simple interest in the Property by condemnation.

Attachments:

Resolution to acquire the Property by the use of eminent domain.

Alternatives:

Determine not to acquire the Property by the use of eminent domain.

**STATE OF GEORGIA
COUNTY OF FULTON**

**A RESOLUTION TO AUTHORIZE THE USE OF EMINENT DOMAIN TO
ACQUIRE PROPERTY LOCATED AT 245 JOHNSON FERRY ROAD, N.E.,
SANDY SPRINGS, GEORGIA, PARCEL ID: 17-0089-LL-114-8 FOR PUBLIC
USE**

WHEREAS, the City of Sandy Springs (“City”) has determined that it is necessary to develop a City center and infrastructure project (“Project”); and

WHEREAS, on December 18, 2012, the City adopted a City Center Master Plan following a comprehensive study conducted by an independent firm; and

WHEREAS, the City Center Master Plan contemplates acquisition by the City of certain property within the City limits for use as, among other things, a City government complex, green space, parks and rights-of-way for channels of trade and travel; and

WHEREAS, such uses constitutes “public use” within the meaning of O.C.G.A. § 22-1-1, et seq. (“Act”); and

WHEREAS, the property located at 245 Johnson Ferry Road in Sandy Springs (“Property”) is property within the scope of the Project, and therefore the City desires to acquire fee simple interest in the Property to accomplish the Project; and

WHEREAS, the City Attorney has caused to be conducted an appraisal of the Property and the owner or his/her designated representatives were given an opportunity to accompany the appraiser during inspection of the property; and

WHEREAS, the City has offered the owner of the Property its November 19, 2012 appraised value of \$1,250,000.00 to acquire fee simple title; and

WHEREAS, the City has funds available to purchase the Property; and

WHEREAS, the City Attorney has made every reasonable effort to acquire the Property expeditiously by negotiation; and

WHEREAS, the City has been unable to reach an agreement with the Property owner to acquire the Property; and

WHEREAS, the Mayor and City Council deem it in the public interest to acquire fee simple title to the Property to insure timely implementation and completion of the Project consistent with the City Center Master Plan; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sandy Springs, Georgia, while in regular session on August 20, 2013, at 6:00 p.m. as follows:

1. The Council hereby authorizes the City Attorney's Office to acquire the Property, located at 245 Johnson Ferry Road, N.E., Sandy Springs, through the use of eminent domain by any method allowed by law, in order to insure the timely completion of the Project.
2. The Mayor is specifically authorized to execute any documents necessary to further the filing of any petition related to the same.
3. The Property sought to be acquired is more fully described in Exhibit "A" attached hereto and incorporated herein by reference.

RESOLVED this the ____ day of _____, 2013.

Approved:

Eva Galambos, Mayor

Attest:

Michael Casey, City Clerk

(SEAL)

EXHIBIT "A"

PROPERTY DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 89, of the 17th District, Fulton County, Georgia, bounded and described as follows:

Beginning at an iron pin set on the southwesterly line of Johnson Ferry Road (an 80 foot wide right of way), which iron pin is in the northeasterly corner of the within described parcel and also on the westerly side line of a 15 foot wide alley, and from said point or place of beginning; running thence along the westerly side line of said alley S 10 19 W 160.34 feet to an iron pin; thence turning and running N 74 24 W 26.39 feet to a found iron pin; thence continuing along other lands now or formerly of The Grand Union Company (1) N 76 01 51 W 96.59 feet to an iron pin and (2) N 02 20 04 W 169.38 feet to an iron pin on the southwesterly line of Johnson Ferry Road, aforementioned; which point is distant easterly 838.4 feet, as measured along the southwesterly line of Johnson Ferry Road, from the intersection of said Johnson Ferry Road and the easterly line of the right of way of Sandy Springs Circle; and thence along said southwesterly line of Johnson Ferry Road S 74 51 E 160.34 feet to the point or place of beginning.

By virtue of Warranty Deed from The Grand Union Company, a successor to Cobis-Sandy Springs, Inc. through dissolution, to The Sherwin-William Development Company, dated March 26, 1982, filed and recorded April 1, 1982, recorded in Deed Book 8097, Page 217, Fulton County Records.