



CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council

DATE: May 17, 2013

FROM: John McDonough, City Manager

AGENDA ITEM: Consideration of the Acceptance of the Dedication of Right of Way Deed as Part of the Zoning Requirements (433-463 Johnson Ferry Road)

MEETING DATE: For Submission onto the May 21, 2013, City Council Regular Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Exhibits
Resolution

APPROVAL BY CITY MANAGER:  APPROVED

PLACED ON AGENDA FOR: 5/21/2013

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: May 9, 2013, for Submission onto the Consent Agenda of the May 21, 2013 City Council Meeting

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

Public Works Department's Recommendation:

The staff recommends that the Mayor and City Council accept the Right of Way Deed of dedication of all that tract or parcel of land lying and located in Land Lot 71 of the 17th District, Fulton County, Georgia. The property as shown in the attached exhibits is being dedicated by the property owners, Rivercon, LLC, and is connected with the Oliver Row Subdivision Final Plat submittal. It is located at 433-463 Johnson Ferry Road. The dedicated right of way totals 1,947.00 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:

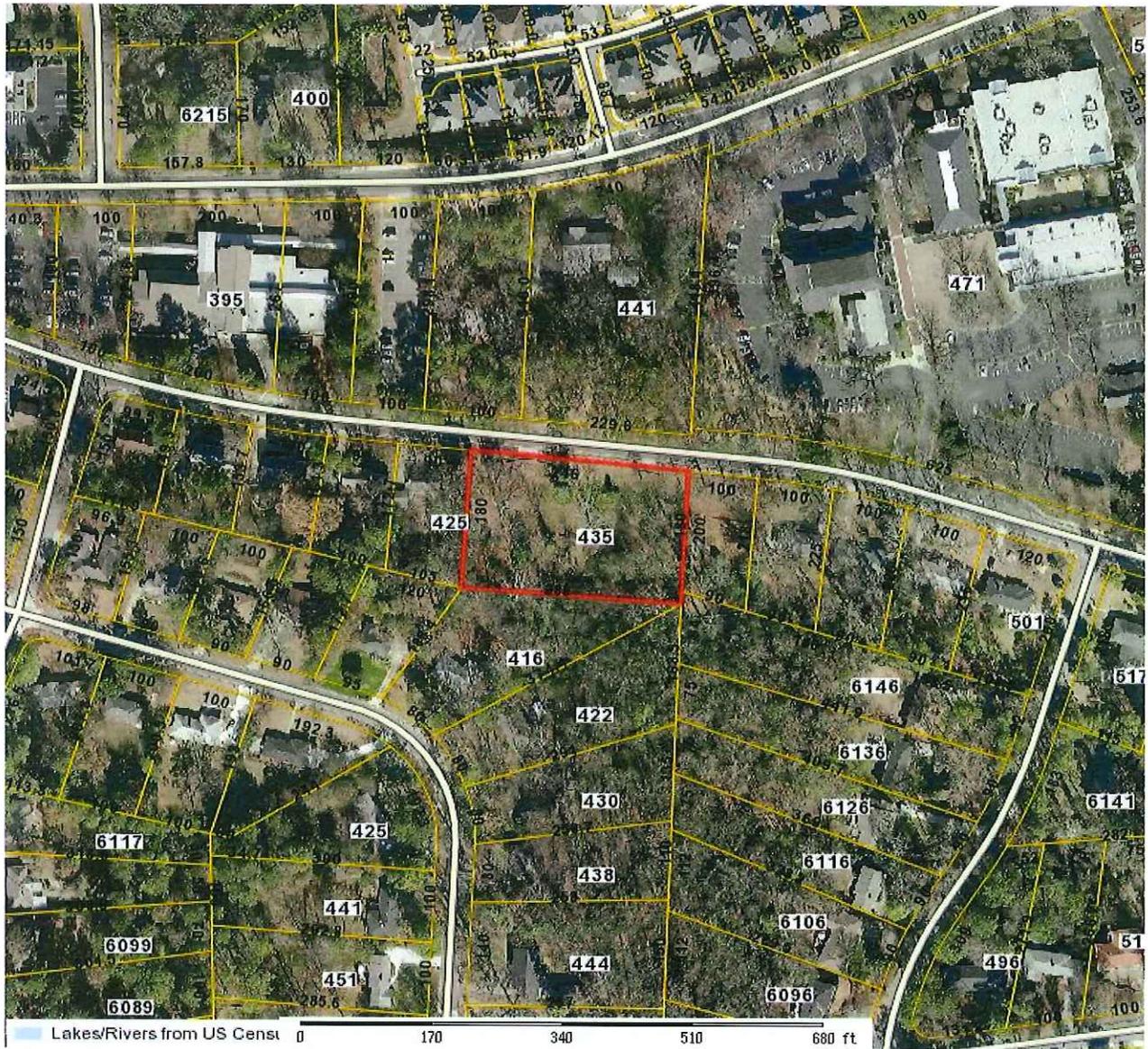
N/A

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; 435 Johnson Ferry Road; Rivercon, LLC			
Parcel: 17 007100010213 Acres: 0			
Name:	RIVERCON LLC	Land Value	\$ 139,100
Site:	435 JOHNSON FERRY RD	Building Value	\$ 109,300
Sale:	\$1,114,000 on 2008-04-11 Reason=U Qual=M	Misc Value	0
Mail:	6000 WINTERTHUR DR ATLANTA, GA 30328	Total Value:	\$ 248,400



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: 04/26/13 : 13:50:18

RIGHT OF WAY DEED

**STATE OF GEORGIA
FULTON COUNTY**

THIS INDENTURE, made this 22nd day of April, 2013, between Rivercon, LLC, as Grantor, and the City of Sandy Springs, GA, 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 71 of the 18th District of Fulton County, Georgia and being more particularly described in Exhibit "A" and shown on Exhibit "B" both hereby made part of by reference.

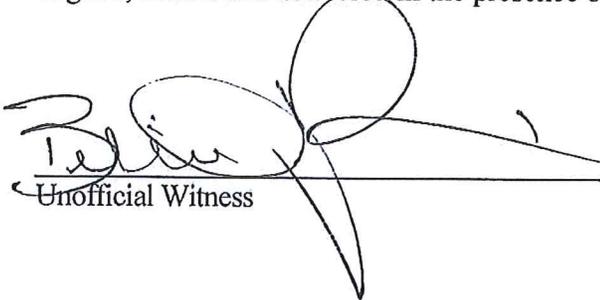
It is the intent of both parties that the City of Sandy Springs, Georgia, shall receive fee simple Right of Way along Johnson Ferry Road, with a total depth of approximately thirty (30) feet from existing centerline and equaling zero (0) square feet/ acres for the purpose of road improvements. This dedication is in conjunction with the City of Sandy Springs Community Development Department File No.: 201300175.

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

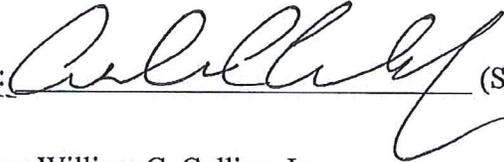
Grantor(s) will forever warrant and defend the title to the bargained premises unto Grantee, its successors and assigns against the claims of all persons whomsoever.

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:

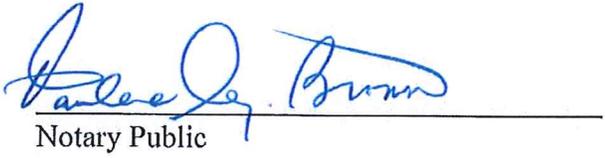

Unofficial Witness

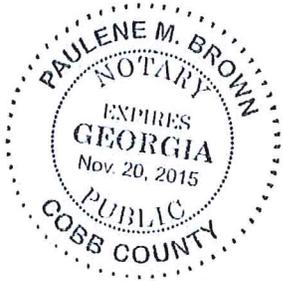
Rivercon, LLC

By:  (SEAL)

Name: William C. Collins, Jr.

Title: Authorized Representative


Notary Public





3595 Canton Road
Suite 116, PMB 272
Marietta, GA 30066
Ph. (678) 355-9905
Fax (678) 355-9805
www.frontlinesurveying.com

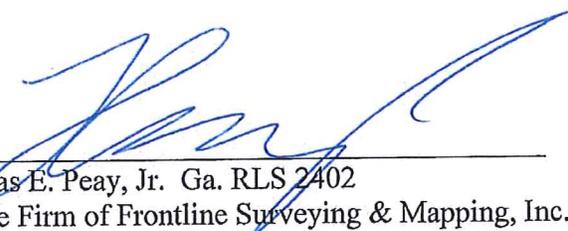
Exhibit A

LEGAL DESCRIPTION - 0.045 ACRES

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 71 of the 17th District, of Fulton County, Georgia and being more particularly described as follows:

BEGINNING at point located on the southerly right-of-way margin of Johnson Ferry Road (R/W Varies), said point being located 418.79 feet westerly of the of intersection of the westerly right-of-way margin of Kayron Drive (formerly known as Bridges Drive) (50' R/W) and the said southerly right-of-way margin of Johnson Ferry Road; Thence leaving said existing right-of-way margin, proceed South 05°59'03" West a distance of 5.00 feet to a point (Iron Pin Set); Thence proceed North 84°04' 50" West a distance of 101.15 feet to a point; Thence proceed North 83°56'35" West a distance of 195.25 feet to a point; Thence proceed North 85°16'36" West a distance of 92.84 feet to a point (Iron Pin Found); Thence proceed North 02°33'59" East a distance of 5.00 feet to a point, said point being on the existing southerly right-of-way margin of Johnson Ferry Road; Thence following said existing southerly right-of-way margin of Johnson Ferry Road, proceed South 85°16'36" East a distance of 93.24 feet to a point; Thence proceed South 83°56'35" East a distance of 195.25 feet to a point; Thence proceed South 84°04'50" East a distance of 101.15 feet to a point, said point being the POINT OF BEGINNING.

Tract described herein containing 0.045 acres of land (1,947 Square feet), more or less, described as R/W TO BE DEDICATED on a survey by Frontline Surveying & Mapping, Inc., job number 46671, dated 12/14/2012, last revised 02/14/2013, being known as Oliver Row S/D.


Thomas E. Peay, Jr. Ga. RLS 2402
For the Firm of Frontline Surveying & Mapping, Inc.



LEGEND:

IPS	IRON PIN SET	⊙	BOLLARD
IPF	IRON PIN FOUND	⊖	CONCRETE MONUMENT FOUND
OT	OPEN TOP PIN	—	OVERHEAD UTILITY LINE(S)
CRMP	CRIMP TOP PIN	—	SANITARY SEWER MAN HOLE
RE	REINFORCING BAR	—	CATCH BASIN
CRB	CAPPED RE-BAR	—	JUNCTION BOX
CL	CENTERLINE	—	DROP INLET
R/W	RIGHT-OF-WAY	—	HEAD WALL
LL	LAND LOT	—	CORRUGATED METAL PIPE
CONC	CONCRETE	—	CORRUGATED PLASTIC PIPE
PP	POWER POLE	—	REINFORCED CONCRETE PIPE
LP	LAMP POLE	—	FIRE HYDRANT
FC	FENCE CORNER	—	SANITARY SEWER EASEMENT
AE	ACCESS EASEMENT	—	DRAINAGE EASEMENT
PROP	PROPOSED	—	WATER VALVE
AC	AIR-CONDITIONER	—	WATER METER
NTS	NOT TO SCALE	—	SANITARY SEWER CLEANOUT
		—	POINT OF BEGINNING
		—	SINGLE WING CATCH BASIN
		—	UTILITY EASEMENT

FINAL SUBDIVISION PLAT OF:
OLIVER ROW
 —A RESIDENTIAL SUBDIVISION—
 LAND LOT 71, 17th DISTRICT
 FULTON COUNTY, GEORGIA
 CITY OF SANDY SPRINGS
 FULTON COUNTY L.D.P. # 200655 02-09-2007
 EXISTING ZONING: R-4 CONDITIONAL
 ZONING CASE: E206-006

ZONED: R-4 ZONING CASE: R206-006
 FRONT SETBACK 15 FEET
 REAR SETBACK 15 FEET
 SIDE INTERIOR SETBACK 10 FEET
 SIDE CORNER SETBACK N/A
 MINIMUM HOUSE SIZE 1,500 SQ FT
 MINIMUM REQUIRED LOT AREA 11,500 SQ FT
 PARKING SPACE/DWELLING UNITS: N/A

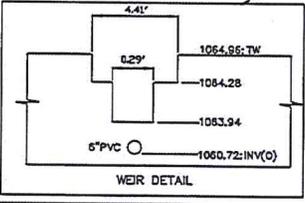
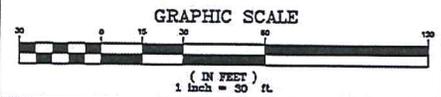
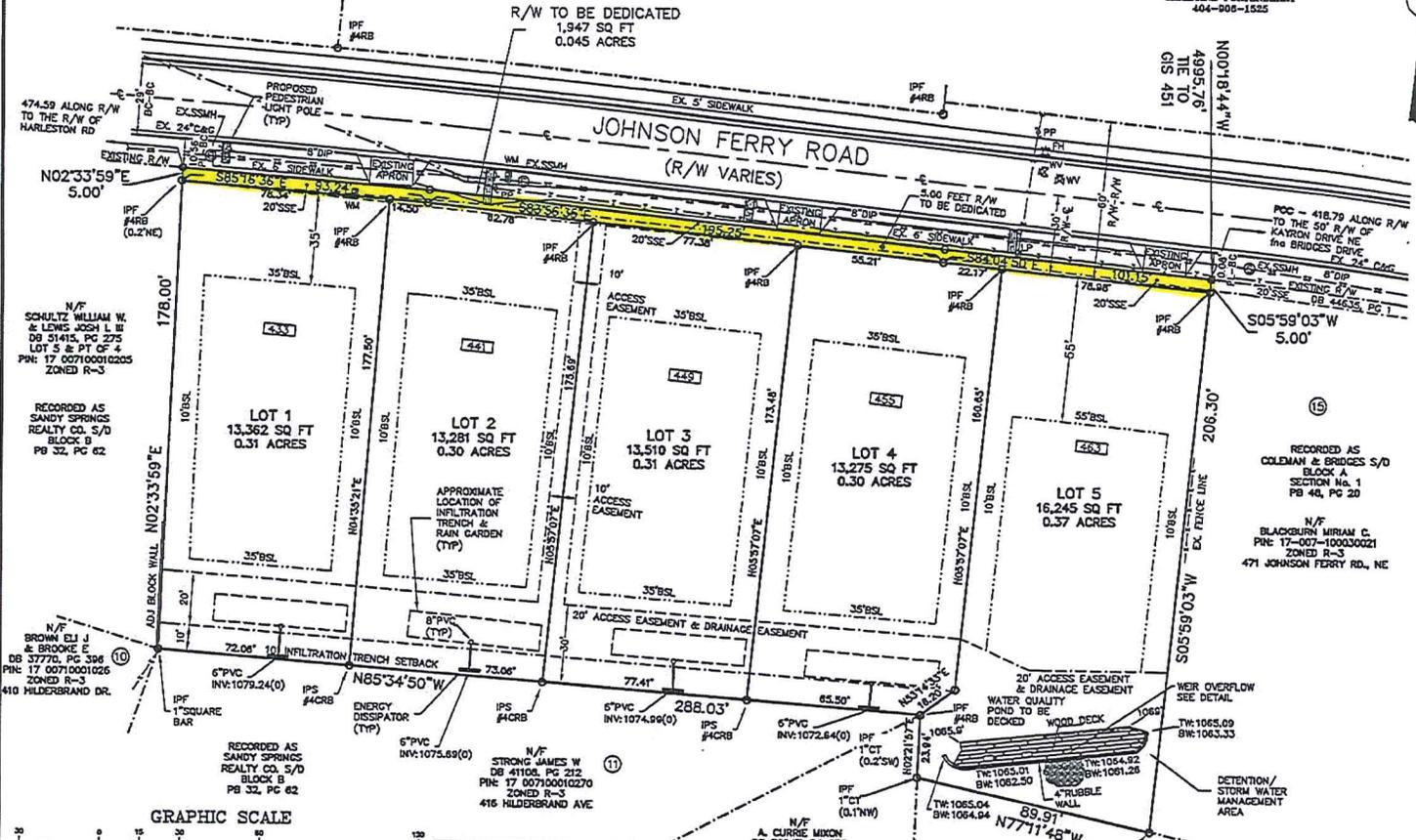
OWNER/DEVELOPER
RIVERCON, LLC
 6000 WINTERGOURD DR., NW
 SANDY SPRINGS, GA 30082
24 HOUR CONTACT
CHRISTINE FORSTENBERRY
 404-906-1525

Exhibit B

3595 Canton Road
 Suite 116, PMB 272
 Marietta, GA 30066
 Ph. (678) 355-9905
 Fax (678) 355-9805
 www.frontlinesurveying.com



I HAVE THIS DATE EXAMINED THE FINAL OFFICIAL FLOOD HAZARD MAP AND FOUND THAT THE SUBJECT PROPERTY IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS. MAP IS LATEST EDITION AND IS CURRENT. REFERENCE PARCEL #03 IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS. REFERENCE DATE: 8/22/2011



CERTIFICATE AS TO RECORDING:
 This is to certify that this plat has been recorded in
 Record Book _____ Page _____ of Fulton County.
 Recorded on _____ 20____
 Clerk of Superior Court, Fulton County, Georgia

SHEET 2 OF 3

FINAL PLAT OF: **OLIVER ROW**

DATE	12/14/12	SCALE	1" = 30'
SECTION	FULTON COUNTY, GEORGIA	17th DISTRICT	
REVISION		LOT	
COUNTY COMMENTS		BLOCK	
FIELD ASSESSOR OF DEED AND PHS	JIP 17/22/13	SUBDIVISION	OLIVER ROW
CHANGED DEVELOPER NAME	CM 01/15/13	COMPUTED:	
APPROVED:		RECORDED AS	COLEMAN & BRIDGES S/D
		BLOCK A	SECTION No. 1
			PB 40, PG 20
		N/F	BLACKBURN MIRIAM C.
			PIN: 17-07-10030021
			ZONED R-3
			471 JOHNSON FERRY RD., NE



FOR THE FIRM OF FRONTLINE SURVEYING & MAPPING, INC.
 JOB # 46671

STATE OF GEORGIA
COUNTY OF FULTON

**A RESOLUTION TO ACCEPT THE DEDICATION OF RIGHT OF WAY ON PROPERTY
LOCATED IN LAND LOT 71 OF THE 17TH 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 the City of Sandy Springs Mayor and City Council approve the acceptance of the dedication a Right of Way Deed from Rivercon, LLC, on property more particularly described as 433-463 Johnson 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 1,947.00 Square Feet of Right of Way in land lot 71, of the 17th District, Fulton County, City of Sandy Springs, Georgia.

RESOLVED this the 21st day of May, 2013.

Approved:

Eva Galambos, Mayor

Attest:

Michael Casey, City Clerk
(Seal)