



TO: John McDonough, City Manager

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

DATE: March 27, 2013, for Submission onto the Consent Agenda of the April 16, 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 92 of the 17th District, Fulton County, Georgia. The property as shown in the attached exhibits is being dedicated by the property owners, 5229 Roswell Road LLC and is more particularly located at 5229 Roswell Road. The dedicated right of way totals 3,149.00 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

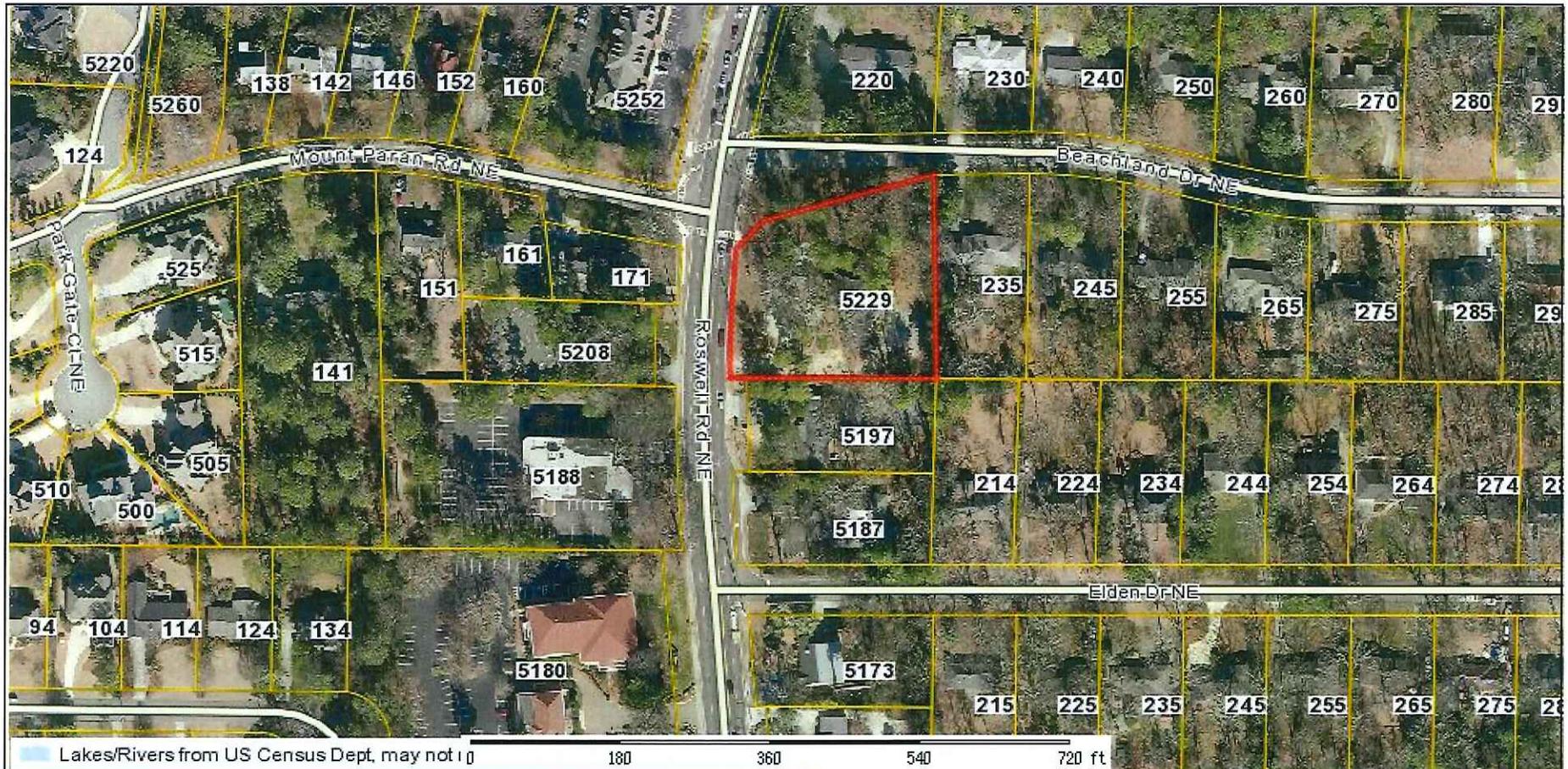


5229 Roswell Road; ROW Deed Dedication; 5229 Roswell Road, LLC			
Parcel: 17 009200040470 Acres: 0			
Name:	5229 ROSWELL ROAD LLC	Land Value	\$ 772,750
Site:	5229 ROSWELL RD	Building Value	\$ 387,200
Sale:	\$1,160,000 on 2011-12-06 Reason=U Qual=0	Misc Value	0
Mail:	5229 ROSWELL RD ATLANTA, GA 30345	Total Value:	\$ 1,159,950



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---

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Parcel: 17 009200040470 Acres: 0			
Name:	5229 ROSWELL ROAD LLC	Land Value	\$ 772,750
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Date printed: 03/26/13 : 11:52:08

RIGHT OF WAY DEED

STATE OF GEORGIA
FULTON COUNTY

THIS INDENTURE, made this 4th day of February, 2013, between 5229 Roswell Road, 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:

All that tract or parcel of land lying and being in Land Lot 92, 17th District, City of Sandy Springs, Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at the southwesterly end of a mitered right of way intersection of the existing easterly right of way of Roswell Road (right of way varies) and the existing southerly right of way of Beachland Drive (right of way varies); thence along said mitered right of way intersection N38°21'12"E a distance of 36.95 feet to an iron pin set at the intersection of the proposed easterly right of way of Roswell Road and the southerly right of way of Beachland Drive; thence along the proposed right of way of Roswell Road, following a curve to the left, for an arc distance of 176.04 feet, said curve having a radius of 1,565.39 feet and being subtended by a chord bearing of S03°50'12"W a distance of 175.95 feet to an iron pin set; thence leaving the proposed right of way of Roswell Road S89°52'25"W a distance of 19.51 feet to an iron pin found on the existing easterly right of way of Roswell Road; thence along said right of way, following a curve to the right, for an arc distance of 146.90 feet, said curve having a radius of 1,584.90 feet and being subtended by a chord bearing of N03°15'40"E a distance of 146.85 feet to the **POINT OF BEGINNING**. Said tract contains 3,149 square feet or 0.072 acre.

It is the intent of both parties that the City of Sandy Springs, Georgia, shall receive fee simple Right of Way along Roswell Road, with a total depth of 19.51 feet from existing centerline and equaling 3,149 /0.072 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.: ZM12-004/CV12-009.

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:

5229 ROSWELL ROAD, LLC


UNOFFICIAL WITNESS

By:  (SEAL)
Name: John C. Mayoue
Title: President


NOTARY PUBLIC

Attest:  (SEAL)



PROPOSED RIGHT OF WAY DEDICATION

AREA = 3,149 SQ. FT. or 0.072 ACRE

GENERAL NOTES~

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS AN ANGULAR ERROR OF 4.0 SECONDS PER ANGLE POINT AND A PRECISION RATIO OF 1 IN 37,972. IT HAS BEEN ADJUSTED USING THE COMPASS RULE.

EQUIPMENT USED TO OBTAIN THESE MEASUREMENTS WAS A TOPCON GTS-235.

THE DATA SHOWN ON THIS PLAT HAS A CLOSURE PRECISION RATIO OF 1 IN 36,120.

ALL I.P.'s ARE 1/2" REBARS, UNLESS OTHERWISE INDICATED.

BEARINGS ARE CALCULATED FROM ANGLES TURNED FROM A SINGLE GRID BASELINE.

ACCORDING TO THE CURRENT "F.I.A. OFFICIAL FLOOD HAZARD MAP", COMMUNITY PANEL NO. 13121C 0144 E, DATED JUNE 22, 1998, THIS PROPERTY IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

ALL MATTERS OF TITLE ARE EXCEPTED.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH. THERE MAY BE EASEMENTS OR OTHER ENCUMBRANCES NOT SHOWN.

*PER DEED AND PLAT RECORDS; NO MONUMENT FOUND.

THE SURVEY AND PLAT SHOWN HEREON IS NOT INTENDED FOR USE OR RELIANCE BY ANY PARTIES OR ENTITIES NOT SPECIFICALLY LISTED IN THE TITLE. UNAUTHORIZED THIRD PARTIES SHALL INDEMNIFY AND HOLD BARTON SURVEYING, INC. HARMLESS AGAINST ANY AND ALL LIABILITY FOR ANY LOSS ARISING OUT OF, OR RELATED TO, RELIANCE BY ANY THIRD PARTY ON ANY WORK PERFORMED THEREUNDER, OR THE CONTENTS OF THE SURVEY.

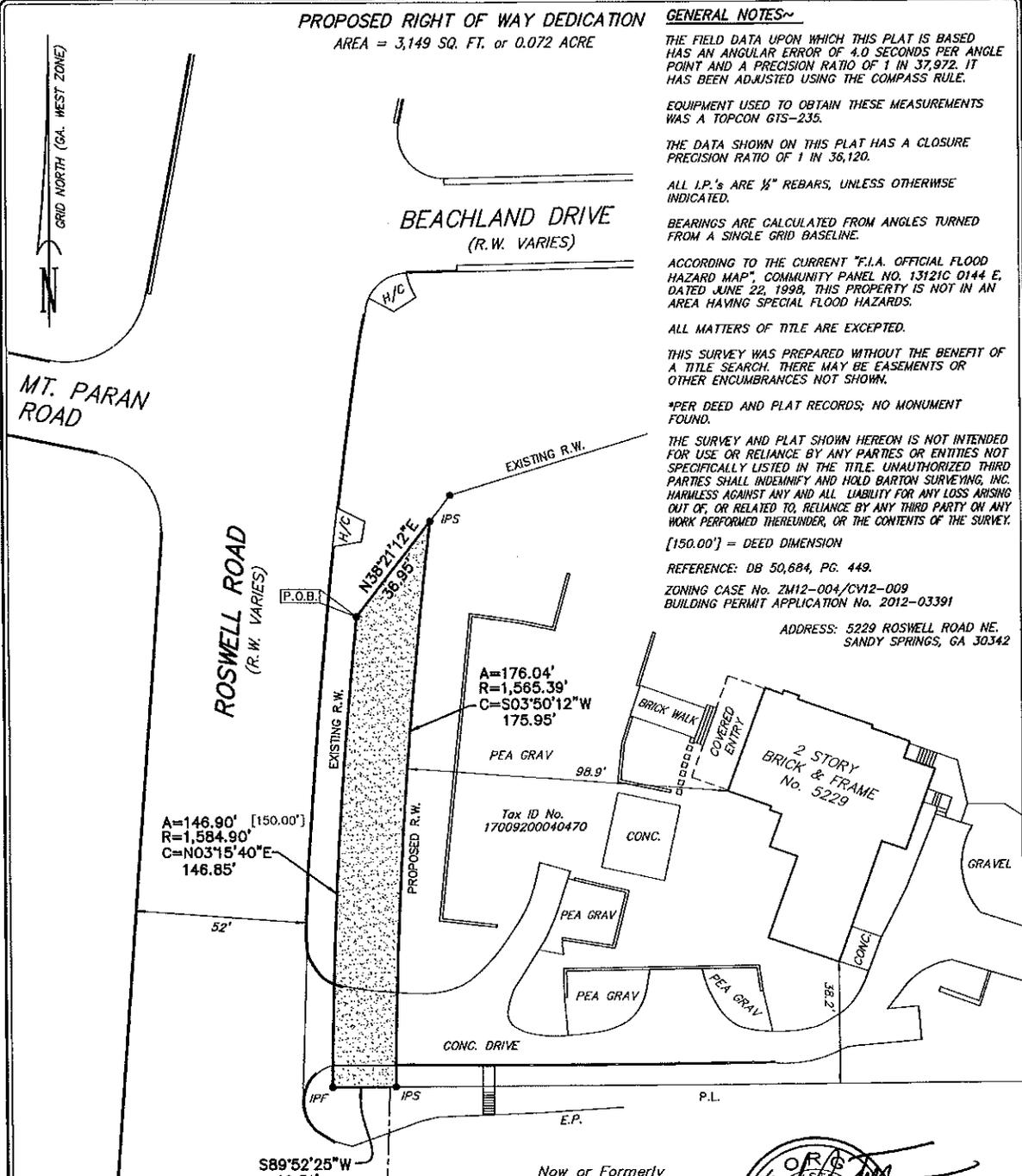
[150.00'] = DEED DIMENSION

REFERENCE: DB 50,684, PG. 449.

ZONING CASE No. ZM12-004/CV12-009

BUILDING PERMIT APPLICATION No. 2012-03391

ADDRESS: 5229 ROSWELL ROAD NE,
SANDY SPRINGS, GA 30342



A=146.90' [150.00']
R=1,584.90'
C=N03°15'40"E
146.85'

A=176.04'
R=1,565.39'
C=S03°50'12"W
175.95'

S89°52'25"W
19.51'

Now or Formerly
Donna Thomas
Tax ID No.
17009200040421



JANUARY 28, 2013;
REVISED PLAT PREPARED DATE.

ABBREVIATIONS

- IPF = IRON PIN FOUND
- IPS = IRON PIN SET
- R.W. = RIGHT OF WAY
- SSE = SANITARY SEWER EASEMENT
- DE = DRAINAGE EASEMENT
- LLL = LAND LOT LINE
- C.L. = CENTERLINE
- #ARB = 1 1/2" REBAR
- CT = CRIMP TOP PIN
- OT = OPEN TOP PIN
- CMP = CORRUGATED METAL PIPE
- DI = DROP INLET
- JB = JUNCTION BOX
- MH = MANHOLE
- CB = CATCH BASIN
- BM = BENCHMARK
- PP = POWER POLE
- FH = FIRE HYDRANT
- B.C. = BACK OF CURB
- E.P. = EDGE OF PAVEMENT
- TX = TRANSFORMER

**PLAT OF PROPOSED RIGHT OF WAY DEDICATION FOR
5229 ROSWELL ROAD, LLC**

LOCATED IN LAND LOT 92
17th DISTRICT, CITY OF SANDY SPRINGS
FULTON COUNTY, GEORGIA
JANUARY 25, 2013 1"=30'



JOB # 12-021	DRAWN BY: TD	CHECKED BY: DB
FIELD DATE: 02-15-12	PLAT PREPARED: 01-25-13	

**BARTON SURVEYING
INC.**

1500 PALM STREET
CANTON, GEORGIA 30115
(770) 345-2810

STATE OF GEORGIA
COUNTY OF FULTON

**A RESOLUTION TO ACCEPT THE DEDICATION OF RIGHT OF WAY ON PROPERTY
LOCATED IN LAND LOT 92 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 5229 Roswell Road LLC, on property more particularly described as 5229 Roswell 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 3,149.00 Square Feet of Right of Way in land lot 92, of the 17th District, Fulton County, City of Sandy Springs, Georgia.

RESOLVED this the 16th day of April, 2013.

Approved:

Eva Galambos, Mayor

Attest:

Michael Casey, City Clerk
(Seal)