



CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council

DATE: April 5, 2013

FROM: John McDonough, City Manager

AGENDA ITEM: Acceptance of the dedication of a Right of Way Deed as part of the zoning requirements at 4663 and 4667 Dudley Lane

MEETING DATE: For Submission onto the April 16, 2013, City Council Regular Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Exhibits
Resolution

APPROVAL BY CITY MANAGER: JAM APPROVED

PLACED ON AGENDA FOR: 4/16/2013

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: [Signature]

REMARKS:



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 19 of the 17th District, Fulton County, Georgia. The property as shown in the attached exhibits is being dedicated by the property owners, Innovative Equity Corporation and is more particularly located at 4663 and 4667 Dudley Lane. The dedicated right of way totals 662.00 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:

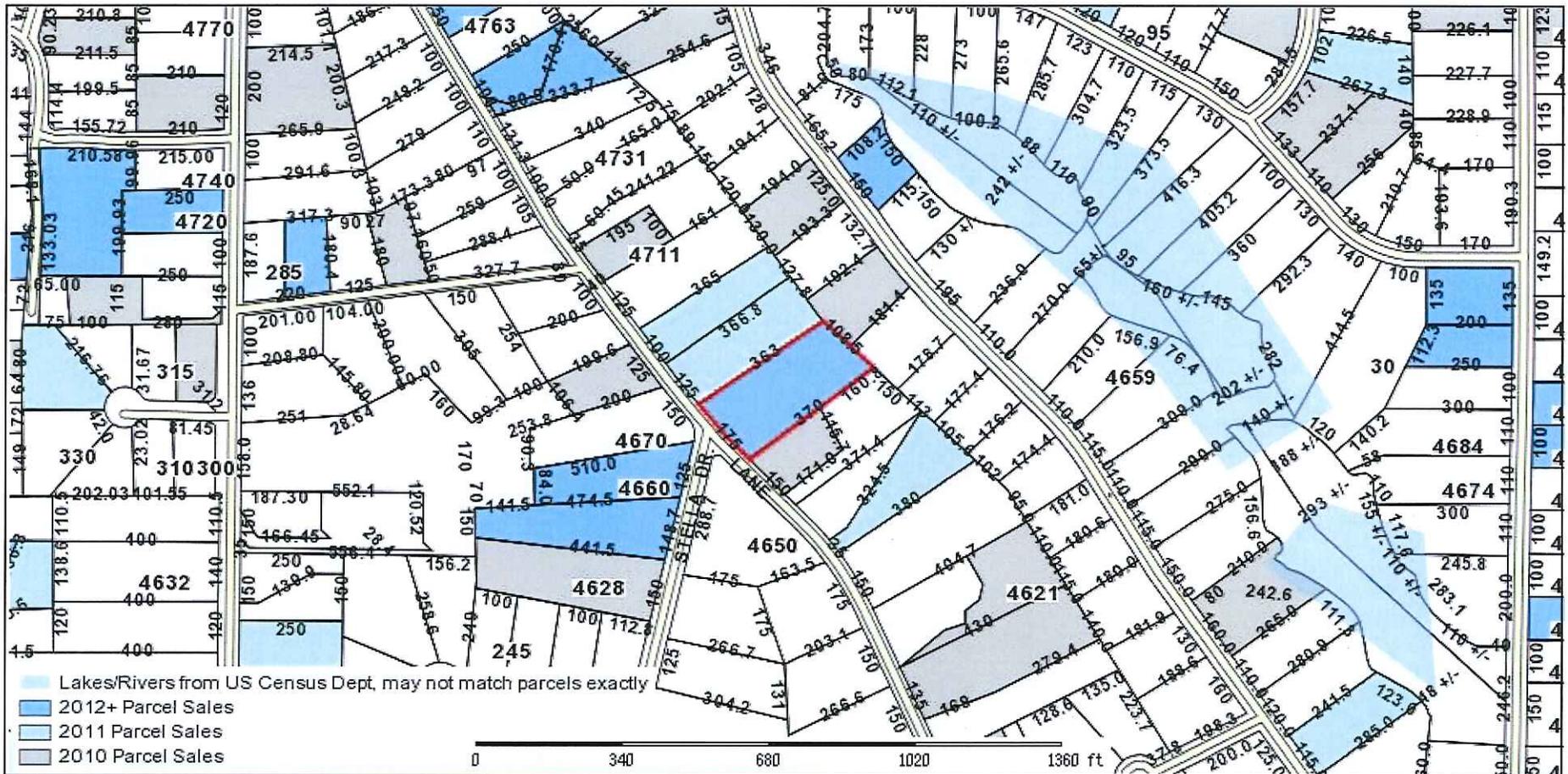
N/A

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



4667 Dudley Lane ROW Dedication; Innovative Equity Corporation

Parcel: 17 011900030132 Acres: 0			
Name:	RESCIGNO RICHARD	Land Value	\$ 254,000
Site:	4667 DUDLEY LN	Building Value	\$ 344,400
Sale:	\$600,000 on 2012-12-27 Reason=U Qual=9	Misc Value	0
Mail:	2588 WINSLOW DR ATLANTA, GA 30305	Total Value:	\$ 598,400



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---



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Date printed: 03/26/13 : 10:31:11

RIGHT OF WAY DEED

**STATE OF GEORGIA
FULTON COUNTY**

THIS INDENTURE, made this 25th day of January, 2012, between Innovative Equity Corporation, 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 119 of the 17 th District of Fulton County, Georgia and being furthermore described in Deed Book S2118, Page 219. Furthermore, the property can be 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 Dulley Lane, with a total depth of 25 feet from existing centerline and equaling 662 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.: 2012 02955.

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:

[Signature]
Unofficial Witness

[Signature] (SEAL)
Name: Stokely Weiners - Innovative Equity Corporation
Title: Secretary

[Signature]
Notary Public



Attest: _____ (SEAL)

Exhibit A

RIGHT-OF-WAY DEDICATION 4663 & 4667 DUDLEY LANE

All that tract or parcel of land lying and being in Land Lot 119 of the 17th Land District, City of Sandy Springs, Fulton County, Georgia and being more particularly described as follows;

To find the point of beginning, commence at the centerline intersection of Stella Drive and Dudley Lane; THENCE leaving said centerline intersection North 20 degrees 53 minutes 49 seconds West for a distance of 63.49 feet to a point on the northeast existing right-of-way of Dudley Lane, said point marked by a ½ inch rebar pin found, said point being THE TRUE POINT OF BEGINNING.

THENCE from said point as thus established, leaving said existing right-of-way and traveling North 52 degrees 23 minutes 22 seconds East for a distance of 4.12 feet to a point, said point lying on the northeast proposed right-of-way of Dudley Lane; THENCE continuing on said proposed right-of-way the following two (2) courses and distances:

along a curve to the left having a radius of 1609.42 feet and an arc length of 100.17 feet, being subtended by a chord of South 40 degrees 49 minutes 38 seconds East for a distance of 100.16 feet to a point; THENCE along a curve to the left having a radius of 1609.42 feet and an arc length of 74.31 feet, being subtended by a chord of South 43 degrees 55 minutes 59 seconds East for a distance of 74.30 feet to a point;

THENCE leaving said proposed right-of-way and traveling South 50 degrees 43 minutes 15 seconds West for a distance of 3.49 feet to a point, said point marked by a ½ inch rebar pin found, said point being the northeast existing right-of-way of Dudley Lane; THENCE traveling on said existing right-of-way along a curve to the right having a radius of 1614.42 feet and an arc length of 174.63 feet, being subtended by a chord of North 42 degrees 21 minutes 08 seconds West for a distance of 174.55 feet to a point, said point being THE TRUE POINT OF BEGINNING.

Said property contains 0.015 acres (662 s.f.) as shown on Minor Plat for Dudley Estates and Right-of-way Dedication Plat for Innovative Equity both prepared by Brian Sutherland, Inc.

LEGEND

- NTS = NOT TO SCALE
- IPS = 1/2" REBAR PIN SET
- LL = LAND LOT
- LLL = LAND LOT LINE
- P.L. = PROPERTY LINE
- C.L. = CENTERLINE
- IPF = IRON PIN FOUND
- RBF = REBAR FOUND
- CTP = CRIMP TOP PIPE
- OTP = OPEN TOP PIPE
- BSL = BUILDING SETBACK LINE
- R/W = RIGHT-OF-WAY
- SSE = SANITARY SEWER EASEMENT
- DE = DRAINAGE EASEMENT
- ⊙ MH = MANHOLE
- ⊕ CB = CATCH BASIN
- JB = JUNCTION BOX
- ∟ HW = HEADWALL
- ▣ DI = DROP INLET
- ⊕ PP = POWER/UTILITY POLE
- ⊕ FH = FIRE HYDRANT
- IE = INVERT ELEVATION
- FFE = FIRST FLOOR ELEVATION
- BFE = BASEMENT FLOOR ELEVATION
- GFE = GARAGE FLOOR ELEVATION
- UTP = UNDERGROUND TELE. PED.
- S— SANITARY SEWER LINE/PIPE
- SS— STORM SEWER LINE/PIPE
- X—X— FENCE LINE
- N/F = NOW OR FORMERLY
- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT
- ** IPP - IRON PIN PLANNED (UPON RECORDING)

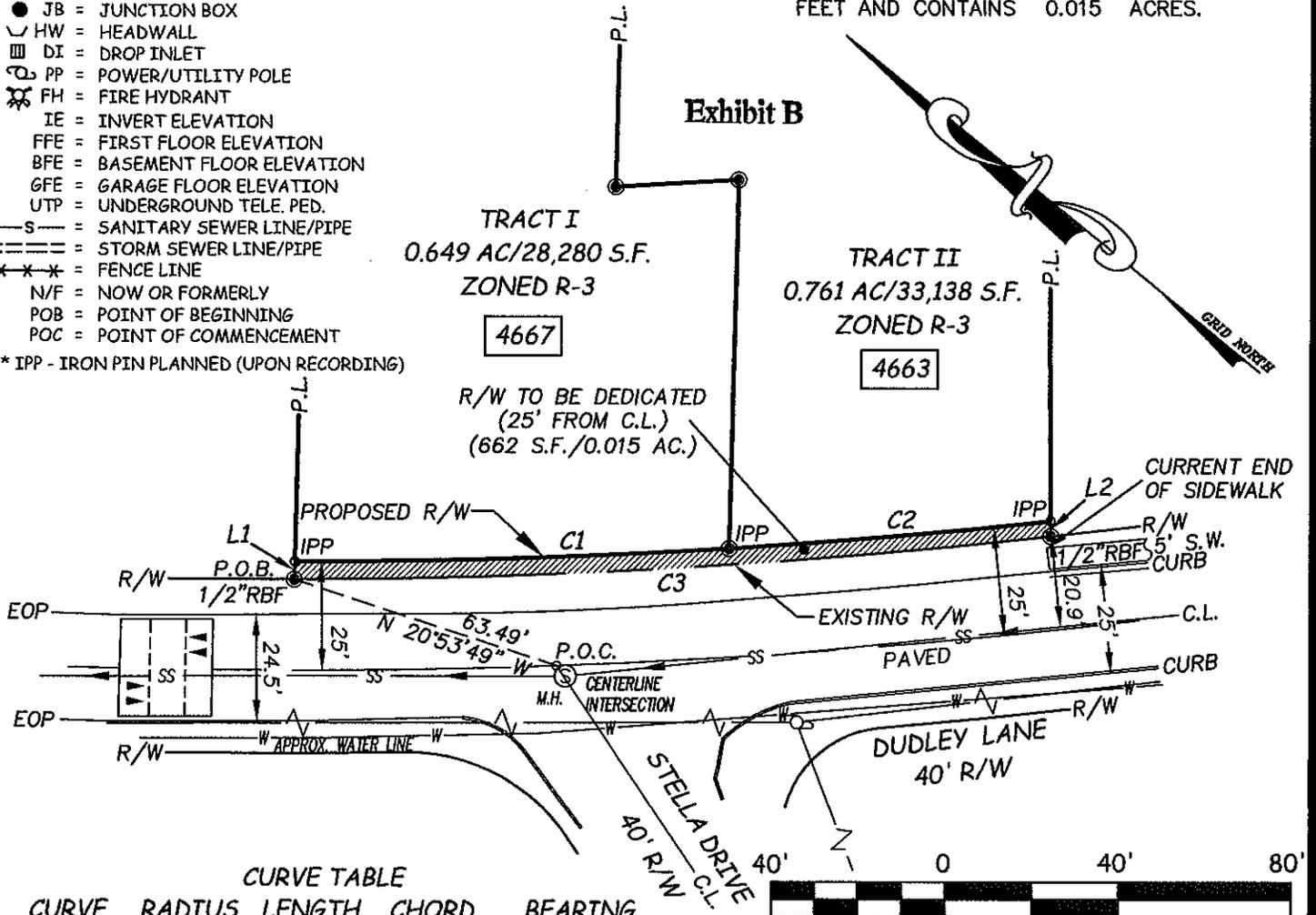


A LEICA TCRP1205 TOTAL STATION WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT.

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN +10,000 FEET AND AN ANGULAR ERROR OF 10" PER ANGLE POINT, AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 62,260 FEET AND CONTAINS 0.015 ACRES.

Exhibit B



CURVE TABLE

CURVE	RADIUS	LENGTH	CHORD	BEARING
C1	1609.42	100.17	100.16	S40°49'38"E
C2	1609.42	74.31	74.30	S43°55'59"E
C3	1614.42	174.63	174.55	N42°21'08"W

LINE TABLE

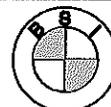
LINE	LENGTH	BEARING
L1	4.12	N 52°23'22" E
L2	3.49	S 50°43'15" W



GRAPHIC SCALE
1 inch = 40 feet

RIGHT-OF-WAY DEDICATION FOR:

INNOVATIVE EQUITY
4663 & 4667 DUDLEY LANE



Brian Sutherland, Inc.
Land Surveying Services

6524 SHADY VALLEY DRIVE
FLOWERY BRANCH, GA. 30542
(404) 925-4219 WWW.BS-LS.COM

LOCATED IN THE CITY OF SANDY SPRINGS

No.	By	Date	Revision

Date: 1/25/13	Land Lot: 119	District: 17th
County: FULTON, GA.	Scale: 1"=40'	Sheet No.
File No. 582ROW.DWG		1 of 1
Path: STOKELY... \12582-DUDLEY..		

RESOLUTION AND CONSENT OF Innovative Equity Corporation

The undersigned individual, being the President of Innovative Equity Corporation, hereby attests to the following:

BE IT RESOLVED:

That execution and delivery on behalf of Innovative Equity Corporation of that certain Right of Way Deed (the "Agreement") dated 1/25/13, by and between Innovative Equity Corporation as Grantor and City of Sandy Springs, GA as Grantee is hereby confirmed, authorized, and ratified by the authorized shareholders/members, and adopted as the act and deed of Innovative Equity Corporation in all respects. A copy of the Agreement is attached hereto and incorporated by reference.

That Stokely Weinberg as Secretary, acting alone, is hereby authorized to execute such Right of Way Deed.

This resolution is dated as of 1/25/13.



Authorized Signatory President-Bryan Eastman

STATE OF GEORGIA
COUNTY OF FULTON

**A RESOLUTION TO ACCEPT THE DEDICATION OF RIGHT OF WAY ON PROPERTY
LOCATED IN LAND LOT 119 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 Innovative Equity Corporation, on property more particularly described as 4663 and 4667 Dudley Lane in Sandy Springs, Georgia.

As required per conditions of zoning and or land development regulation ordinance, the City authorizes the acceptance of the required 662.00 Square Feet of Right of Way in land lot 119, 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)