
CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council

DATE: February 8, 2013

FROM: John McDonough, City Manager

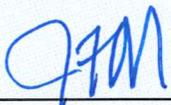
AGENDA ITEM: Consideration of Approval of the Appropriation of the Property Located at 6420 Roswell Road (Parcel #13) through the Use of Eminent Domain

MEETING DATE: For Submission onto the February 19, 2013, City Council Regular Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Maps
Legal Description
Resolution

APPROVAL BY CITY MANAGER:  APPROVED

PLACED ON AGENDA FOR: 2/19/2013

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: 

REMARKS:



TO: John McDonough, City Manager
FROM: Cecil McLendon, Assistant City Attorney
DATE: February 11, 2013, for submission onto the Agenda of the February 19, 2013
City Council Meeting
ITEM: Consideration of Approval of the Appropriation of the Property Located at 6420 Roswell
Road (Parcel #13) through the Use of Eminent Domain

Assistant City Attorney's Recommendation:

The Assistant City Attorney recommends that the Mayor and City Council approve the use of the condemnation process for the property located at 6420 Roswell Road, lying within Land Lot 88 of the 17th District, in connection with the T-0012/CSSTP-0006-00(728) Project.

Background:

The subject property is currently being used as an adult entertainment establishment business that is owned by Charles Gary Evans. The acquisition of 367.97 square feet of fee simple right of way, 712.43 square feet of permanent easement and various related improvements is required for the construction of the above referenced project. Negotiations have taken place for over 90 days and the title has certain defects that will not allow the City to acquire clean title to the required rights of way unless a condemnation action occurs to.

Discussion:

The amount of the independent fair market value appraisal is \$30,200.00. This project contains State and Federal Aid and per the Reimbursable Contract the City has with GDOT, the City shall be reimbursed not to exceed a total of \$2,160,000.00 upon completion and certification of the project. Upon completion of all negotiations, the City will have paid out a total of about \$1,100,000.00 for the rights of way required for the project.

Alternatives:

Acquisition by use of Eminent Domain alternative is required to insure that the City acquires free and clear title to the properties in a manner that adheres to the project's schedule. The City is approximately 90% complete with the required acquisitions and a delay in the acquiring the required rights of way could result in deadlines not being met and funding for the project could be negatively affected.

Financial Impact:

Purchase of this property has been budgeted in the T-0012 Roswell Road Streetscapes from Johnson Ferry Road to Abernathy Road Project's budget.

Attachments:

- I. Exhibits
 - A. Aerial Map and GIS Map
 - B. Project Plans
 - C. Legal Description
- II. Resolution



6420 Roswell Road / Parcel #13 / T-0012 Project			
Parcel: 17 008800010545 Acres: 0			
Name:	EVANS CHARLES G	Land Value	\$ 1,150,200
Site:	6420 ROSWELL RD	Building Value	\$ 200,500
Sale:	\$670,000 on 1986-01-22 Reason=U Qual=3	Misc Value	0
Mail:	130 TRELIS PL	Total Value:	\$ 1,350,700
	SANDY SPRINGS, GA 30350		

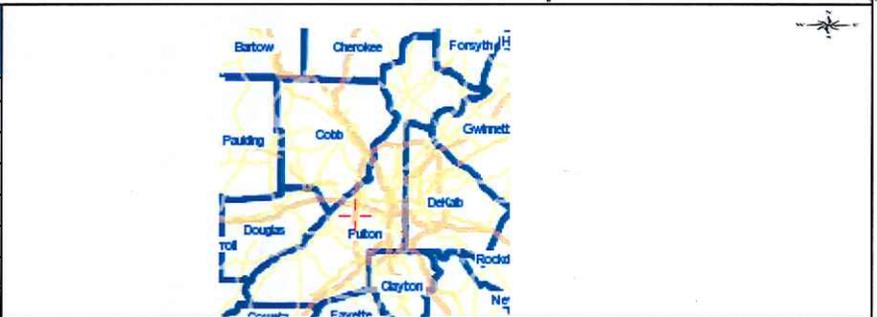


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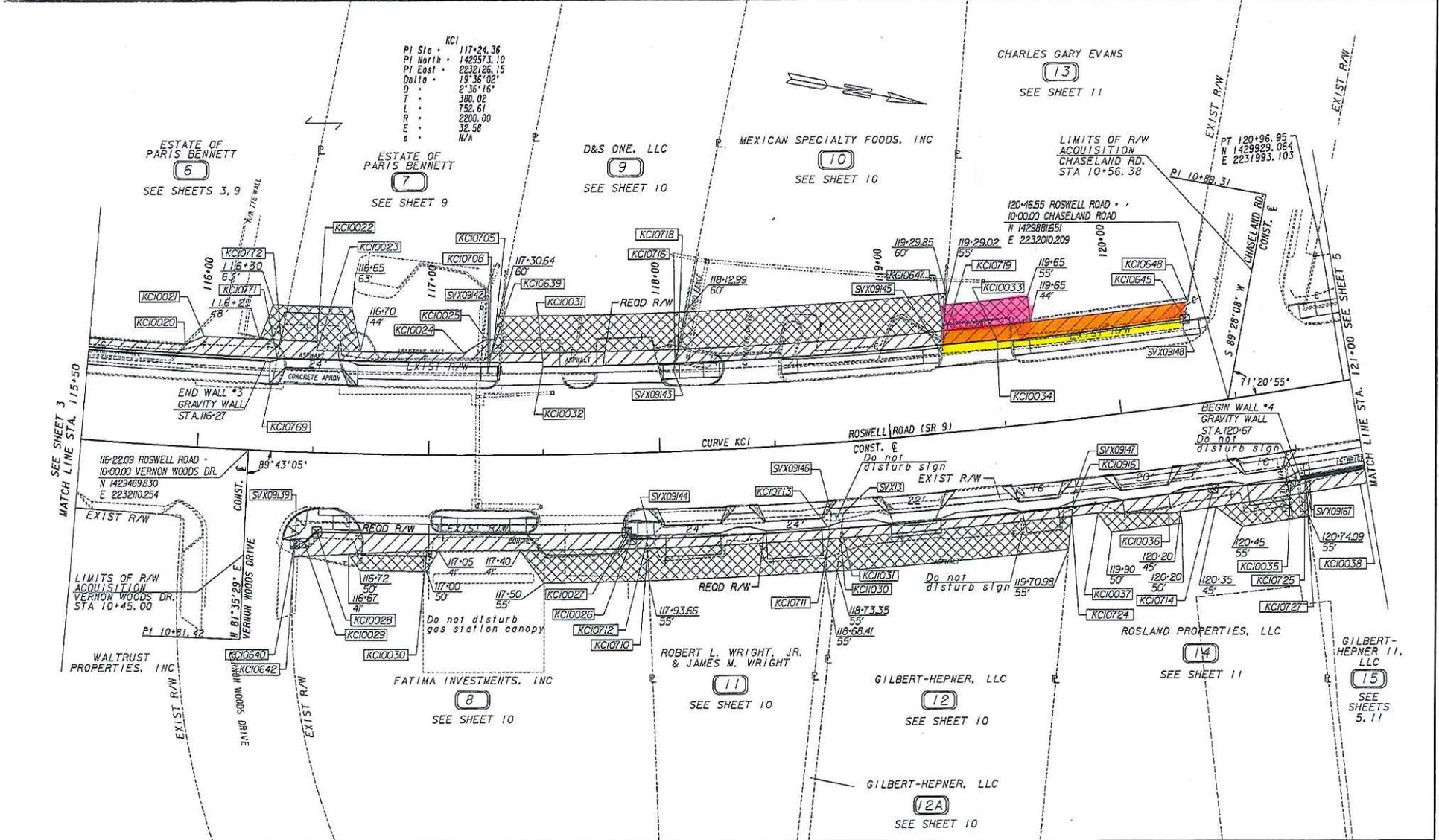


6420 Roswell Road / Parcel #13 / T-0012 Project			
Parcel: 17 008800010545 Acres: 0			
Name:	EVANS CHARLES G	Land Value	\$ 1,150,200
Site:	6420 ROSWELL RD	Building Value	\$ 200,500
Sale:	\$670,000 on 1986-01-22 Reason=U Qual=3	Misc Value	0
Mail:	130 TRELIS PL SANDY SPRINGS, GA 30350	Total Value:	\$ 1,350,700



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PROPERTY AND EXISTING R/W LINE ---E---
 REQUIRED R/W LINE ---C---
 CONSTRUCTION LIMITS ---F---
 EASEMENT FOR CONSTR & MAINTENANCE OF SLOPES ---H---
 EASEMENT FOR CONSTR OF SLOPES ---I---
 EASEMENT FOR CONSTR OF DRIVES ---J---

BEGIN LIMIT OF ACCESS.....BLA
 END LIMIT OF ACCESS.....ELA
 LIMIT OF ACCESS ---K---
 REQUIRED R/W AND LIMIT OF ACCESS ---L---

SCALE IN FEET



DATE	REVISIONS
5-9-12	Par 12 Split Into Par 12 and Par 12A
5-9-12	Par 16 Removed Req'd Esm't and R/W
6-19-12	Par 6, 7, 13, & 14 Updated Owner Names

DATE	REVISIONS

STATE OF GEORGIA
 DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY MAP
 PROJECT NO: CSSTP-0006-00(728)
 COUNTY: FULTON
 LAND LOT NO. 88
 LAND DISTRICT 7
 GWD 1100

SEE SHEET 4

PARCEL 13 CHARLES GARY EVANS REG'D R/W

PNT	OFFSET/DIST	STATION/BEARING	ALIGNMENT
SVX09145	34.17 L	119+25.63	Roswell Road
KC10719	3.87	S 83°00'14" W	Roswell Road
ARC LENGTH	23.345		
CHORD BEAR	N 18°21'29" W		
LATH CHORD	23.345		
RADIUS	2162.000		
DEGREE	2° 39' 0"		
KC10033	38.00 L	119+50.00	Roswell Road
ARC LENGTH	1.00	N 89°01'59" E	
CHORD BEAR	37.00 L	119+50.00	Roswell Road
ARC LENGTH	81.207		
CHORD BEAR	N 17°44'34" W		
LATH CHORD	81.202		
RADIUS	2163.000		
DEGREE	2° 38' 56"		
KC10045	24.84 L	10+30.71	Chaseland Road
ARC LENGTH	4.00	N 89°01'59" E	
CHORD BEAR	33.19 L	120+31.35	
ARC LENGTH	104.109		
CHORD BEAR	S 76°51'58" E		
LATH CHORD	104.100		
RADIUS	2291.067		
DEGREE	2° 30' 3"		
SVX09148	34.17 L	119+25.63	Roswell Road
ARC LENGTH	367.97 SF		
CHORD BEAR	0.008 ACRES		
REMAINDER	4/- 0.773 ACRES		

PARCEL 13 CHARLES GARY EVANS REG'D EASMT.

PNT	OFFSET	STATION	ALIGNMENT
KC10716	38.00 L	119+26.24	Roswell Road
KC10647	4.00 L	119+27.22	Roswell Road
ARC LENGTH	105.523		
CHORD BEAR	N 17°28'34" W		
LATH CHORD	105.513		
RADIUS	2156.000		
DEGREE	2° 39' 27"		
KC10648	24.80 L	10+30.07	Chaseland Road
KC10645	24.84 L	10+30.71	Chaseland Road
ARC LENGTH	81.207		
CHORD BEAR	N 17°44'34" E		
LATH CHORD	81.202		
RADIUS	2163.000		
DEGREE	2° 38' 56"		
KC10034	37.00 L	119+50.00	Roswell Road
KC10033	38.00 L	119+50.00	Roswell Road
ARC LENGTH	23.345		
CHORD BEAR	S 76°21'29" E		
LATH CHORD	23.345		
RADIUS	2162.000		
DEGREE	2° 39' 0"		
KC10719	38.00 L	119+26.24	Roswell Road
REDD EASMT AREA	712.43 SF		

1 DRIVEWAY EASEMENT

SEE SHEET 4

PARCEL 14 ROSLAND PROPERTIES, LLC REG'D R/W

PNT	OFFSET/DIST	STATION/BEARING	ALIGNMENT
KC10916	37.00 R	119+74.62	Roswell Road
ARC LENGTH	99.966		
CHORD BEAR	N 18°01'48" W		
LATH CHORD	99.963		
RADIUS	2356.067		
DEGREE	2° 35' 54"		
SVX09167	32.30 R	120+74.34	Roswell Road
ARC LENGTH	6.71	N 72°14'55" E	
CHORD BEAR	38.00 R	120+74.09	
ARC LENGTH	6.20	S 19°49'11" E	
KC10035	38.00 R	120+65.00	Roswell Road
ARC LENGTH	33.43	S 15°54'05" E	
KC10714	37.00 R	120+35.00	Roswell Road
ARC LENGTH	61.391		
CHORD BEAR	S 18°05'41" E		
LATH CHORD	61.389		
RADIUS	2237.000		
DEGREE	2° 33' 40"		
KC10916	37.00 R	119+74.62	Roswell Road
REDD R/W	572.11 SF		
REDD R/W	0.013 ACRES		
REMAINDER	4/- 0.570 ACRES		

2 DRIVEWAY EASEMENTS

PARCEL 14 ROSLAND PROPERTIES, LLC REG'D EASMT.

PNT	OFFSET	STATION	ALIGNMENT
KC10724	41.00 R	119+73.81	Roswell Road
KC10916	37.00 R	119+74.62	Roswell Road
ARC LENGTH	61.391		
CHORD BEAR	N 18°05'41" W		
LATH CHORD	61.389		
RADIUS	2237.000		
DEGREE	2° 33' 40"		
KC10714	37.00 R	120+35.00	Roswell Road
KC10035	38.00 R	120+65.00	Roswell Road
KC10725	38.00 R	120+74.09	Roswell Road
KC10727	45.00 R	120+73.87	Roswell Road
ARC LENGTH	60.073		
CHORD BEAR	S 19°07'36" E		
LATH CHORD	60.071		
RADIUS	2245.000		
DEGREE	2° 33' 7"		
KC10036	45.00 R	120+15.00	Roswell Road
KC10037	41.00 R	119+85.00	Roswell Road
KC10724	41.00 R	119+73.81	Roswell Road
REDD EASMT AREA	682.35 SF		

SEE SHEETS 4,5

PARCEL 15 GILBERT-HEPNER II, LLC REG'D R/W

PNT	OFFSET/DIST	STATION/BEARING	ALIGNMENT
SVX09167	32.30 R	120+74.34	Roswell Road
ARC LENGTH	97.987		
CHORD BEAR	N 20°26'13" W		
LATH CHORD	97.980		
RADIUS	2356.067		
DEGREE	2° 25' 54"		
SVX09167	32.26 R	121+71.99	Roswell Road
ARC LENGTH	2.44	N 21°42'53" W	
CHORD BEAR	32.22 R	121+74.43	
ARC LENGTH	6.80	N 64°27'43" E	
KC10829	39.00 R	121+75.03	Roswell Road
KC10725	101.34 R	S 29°25'34" E	
ARC LENGTH	39.00 R	120+74.09	
ARC LENGTH	6.71	S 72°14'55" W	
SVX09167	32.30 R	120+74.34	Roswell Road
REDD R/W	643.89 SF		
REDD R/W	0.015 ACRES		
REMAINDER	4/- 0.539 ACRES		

SEE SHEETS 5,6

PARCEL 18 FNC PROPERTIES LLC REG'D R/W

PNT	OFFSET/DIST	STATION/BEARING	ALIGNMENT
SVX09159	32.51 L	123+72.47	Roswell Road
KC10655	6.71	N 89°52'02" W	Roswell Road
ARC LENGTH	38.00 L	123+74.13	
CHORD BEAR	N 10°32'40" W		
LATH CHORD	205.898		
RADIUS	1738.000		
DEGREE	3° 17' 41"		
KC10656	38.00 L	125+75.53	Roswell Road
ARC LENGTH	6.62	S 89°58'41" E	
CHORD BEAR	32.43 L	125+74.72	
ARC LENGTH	206.090		
CHORD BEAR	S 10°33'58" E		
LATH CHORD	205.985		
RADIUS	1813.712		
DEGREE	3° 9' 32"		
SVX09159	32.51 L	123+72.47	Roswell Road
REDD R/W	1364.33 SF		
REDD R/W	0.031 ACRES		
REMAINDER	4/- 1.124 ACRES		

REG'D EASMT.

PARCEL 18 FNC PROPERTIES LLC REG'D EASMT.

PNT	OFFSET	STATION	ALIGNMENT
KC10655	38.00 L	123+74.13	Roswell Road
KC10657	41.00 L	123+76.15	Roswell Road
KC10042	42.00 L	124+00.00	Roswell Road
ARC LENGTH	168.076		
CHORD BEAR	N 10°17'09" W		
LATH CHORD	169.010		
RADIUS	1242.000		
DEGREE	3° 17' 20"		
KC10043	42.00 L	125+65.00	Roswell Road
KC10044	50.00 L	125+70.00	Roswell Road
ARC LENGTH	7.073		
CHORD BEAR	N 7°13'15" W		
LATH CHORD	7.073		
RADIUS	1750.000		
DEGREE	3° 16' 26"		
KC10731	50.00 L	125+76.87	Roswell Road
KC10656	38.00 L	125+75.53	Roswell Road
ARC LENGTH	206.018		
CHORD BEAR	S 10°32'40" E		
LATH CHORD	205.989		
RADIUS	1738.000		
DEGREE	3° 17' 41"		
KC10655	38.00 L	123+74.13	Roswell Road
REDD EASMT AREA	754.55 SF		

0 DRIVEWAY EASEMENTS

PARCEL 15 GILBERT-HEPNER II, LLC REG'D EASMT.

PNT	OFFSET	STATION	ALIGNMENT
KC10725	39.00 R	120+74.09	Roswell Road
KC10629	39.00 R	121+75.03	Roswell Road
KC10030	91.980 R	121+75.53	Roswell Road
KC10038	45.00 R	120+95.95	Roswell Road
ARC LENGTH	23.553		
CHORD BEAR	S 20°11'38" E		
LATH CHORD	23.553		
RADIUS	2246.000		
DEGREE	2° 33' 7"		
KC10727	45.00 R	120+73.87	Roswell Road
KC10726	39.00 R	120+74.09	Roswell Road
REDD EASMT AREA	615.70 SF		

1 DRIVEWAY EASEMENT

SEE SHEET 6

PARCEL 19 PAJIS GA, LLC REG'D R/W

PNT	OFFSET/DIST	STATION/BEARING	ALIGNMENT
SVX09170	32.52 L	126+04.72	Roswell Road
ARC LENGTH	6.52	S 89°55'18" W	
CHORD BEAR	39.00 L	126+05.40	
LATH CHORD	4.705		
RADIUS	1738.000		
DEGREE	3° 17' 41"		
KC10066	39.00 L	126+10.00	Roswell Road
ARC LENGTH	5.21	N 5°00'41" E	
CHORD BEAR	38.00 L	126+15.00	
ARC LENGTH	86.900		
CHORD BEAR	N 4°23'16" W		
LATH CHORD	86.891		
RADIUS	1738.000		
DEGREE	3° 17' 41"		
KC10041	36.00 L	127+00.00	Roswell Road
ARC LENGTH	23.05	N 0°08'51" W	
CHORD BEAR	37.00 L	127+02.54	
LATH CHORD	3.95	S 89°57'42" E	
DEGREE	3° 17' 41"		
SVX09171	33.08 L	127+22.39	Roswell Road
ARC LENGTH	119.930		
CHORD BEAR	S 4°27'01" E		
LATH CHORD	119.900		
RADIUS	1813.712		
DEGREE	3° 9' 32"		
SVX09170	32.52 L	126+04.72	Roswell Road
REDD R/W	682.99 SF		
REDD R/W	0.014 ACRES		
REMAINDER	4/- 0.533 ACRES		

REG'D EASMT.

PARCEL 19 PAJIS GA, LLC REG'D EASMT.

PNT	OFFSET	STATION	ALIGNMENT
KC10733	39.00 L	126+05.40	Roswell Road
KC10737	42.00 L	126+05.71	Roswell Road
ARC LENGTH	119.906		
CHORD BEAR	N 4°09'41" W		
LATH CHORD	119.882		
RADIUS	1742.000		
DEGREE	3° 17' 20"		
KC10739	42.00 L	127+22.73	Roswell Road
KC10741	37.00 L	127+22.54	Roswell Road
KC10041	36.00 L	127+00.00	Roswell Road
ARC LENGTH	86.900		
CHORD BEAR	S 4°23'16" E		
LATH CHORD	86.891		
RADIUS	1738.000		
DEGREE	3° 17' 41"		
KC10067	38.00 L	126+15.00	Roswell Road
KC10066	39.00 L	126+10.00	Roswell Road
ARC LENGTH	4.705		
CHORD BEAR	S 6°03'58" E		
LATH CHORD	4.705		
RADIUS	1738.000		
DEGREE	3° 17' 41"		
KC10733	39.00 L	126+05.40	Roswell Road
REDD EASMT AREA	484.15 SF		

1 DRIVEWAY EASEMENT



DATE	REVISIONS	DATE	REVISIONS
5-9-12	Par 16 & 17 Removed		
5-9-12	Par 18 Updated Remainder		
6-19-12	Par 13 & 14 Updated Owner Names		

STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY MAP
PROJECT NO: CSSTP-0006-001728
COUNTY: FULTON
LAND LOT NO. 88
LAND DISTRICT 7
GMD 1100
DATE: 06-25-2009 SH 11 OF 15

EXHIBIT "A"

PROJECT NO.: T-0012 Sandy Springs / Roswell Road Sidewalk Project
PARCEL NO.: 13
DATE OF R/W PLANS: June 25, 2012
REVISION DATE: July 13, 2012

Page 1 of 2

All that tract or parcel of land lying and being in Land Lot 88 of the 17th Land District of Fulton County, Georgia, being more particularly described as follows:

RIGHT-OF-WAY

Beginning at a point 34.17 feet left of and opposite station 119+25.63 on the centerline of Roswell Road the City of Sandy Springs Project No T-0012; thence South 83°00'14" West a distance of 3.87 feet to a point 38.00 feet left of and opposite station 119+26.24 on said construction centerline laid out for Roswell Road; thence northwesterly 23.345 feet along the arc of a curve (said curve having a radius of 2162.000 feet and a chord distance of 23.345 feet on a bearing of North 16°21'29" West) to the point 38.00 feet left of and opposite station 119+50.00 on said construction centerline laid out for Roswell Road; thence North 73°19'58" East a distance of 1.00 feet to a point 37.00 feet left of and opposite station 119+50.00 on said construction centerline laid out for Roswell Road; thence northwesterly 81.207 feet along the arc of a curve (said curve having a radius of 2163.000 feet and a chord distance of 81.202 feet on a bearing of North 17°44'34" West) to the point 24.84 feet left of and opposite station 10+30.71 on said construction centerline laid out for Chaseland Road; thence North 89°01'59" East a distance of 4.00 feet to a point 33.19 feet left of and opposite station 120+31.35 on said construction centerline laid out for Roswell Road; thence southeasterly 104.109 feet along the arc of a curve (said curve having a radius of 2291.067 feet and a chord distance of 104.100 feet on a bearing of South 16°51'58" East) back to the point of beginning. **Containing 0.008 acres (367.97 square feet) more or less.**

PERMANENT EASEMENT

Beginning at a point 38.00 feet left of and opposite station 119+26.24 on the centerline of Roswell Road the City of Sandy Springs Project No T-0012; thence South 83°00'14" West a distance of 6.08 feet to a point 44.00 feet left of and opposite station 119+27.22 on said construction centerline laid out for Roswell Road; thence northwesterly 105.523 feet along the arc of a curve (said curve having a radius of 2156.000 feet and a chord distance of 105.513 feet on a bearing of North 17°28'34" West) to the point 24.90 feet left of and opposite station 10+38.07 on said construction centerline laid out for Chaseland Road; thence North 89°01'59" East a distance of 7.36 feet to a point 24.84 feet left of and opposite station 10+30.71 on said construction centerline laid out for Chaseland Road; thence southeasterly 81.207 feet along the arc of a curve (said curve having a radius of 2163.000 feet and a chord distance of 81.202 feet on a bearing of South 17°44'34" East) to the point 37.00 feet left of and opposite station 119+50.00

on said construction centerline laid out for Roswell Road; thence South 73°19'58" West a distance of 1.00 feet to a point 38.00 feet left of and opposite station 119+50.00 on said construction centerline laid out for Roswell Road; thence southeasterly 23.345 feet along the arc of a curve (said curve having a radius of 2162.000 feet and a chord distance of 23.345 feet on a bearing of South 16°21'29" East) back to the point of beginning. **Containing 0.016 acres (712.43 square feet) more or less.**

Grantor further agrees to grant the Grantee a Temporary Driveway Easement for the reconstruction of that portion of the Grantor's driveway shown in the easement areas on Exhibit "B". Said Temporary Driveway Easement rights shall expire upon the completion and the acceptance of the project by the Grantee.

RESOLUTION NO. 2013-02-__

STATE OF GEORGIA
COUNTY FULTON

**A RESOLUTION TO AUTHORIZE THE USE OF EMINENT DOMAIN
TO ACQUIRE PROPERTY AT 6420 ROSWELL ROAD, SANDY SPRINGS, GEORGIA
FOR ROAD PROJECT**

WHEREAS, the City has determined that it is necessary to conduct a sidewalk and infrastructure project on Roswell Road from Johnson Ferry Road to Abernathy Road (the "Project"); and

WHEREAS, in order to conduct the Project, certain rights are required over under and through the property of Charles Gary Evans A/K/A C. Gary Evans A/K/A Gary Evans located at 6420 Roswell road within the City of Sandy Springs; and

WHEREAS, the Mayor and Council has considered the Project and determined that it is necessary and must be carried out expediently to insure the timely completion of the City's sidewalk and infrastructure project.

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

In order to insure the timely completion of the City's sidewalk and infrastructure project the Mayor and Council authorize the City Attorney's Office to acquire through the use of Eminent Domain by any method allowed by law the necessary property rights over, under, and across the property located at 6420 Roswell Road in order to insure the timely completion of the City's sidewalk and infrastructure project T0012 Roswell Road Streetscapes from Johnson Ferry Road to Abernathy Road. Further the Mayor is specifically authorized to execute any documents necessary to further the filing of any Petition related to the same.

APPROVED AND ADOPTED this _____ day of _____, 2013.

Approved: _____, 2013

Eva Galambos, Mayor

Attest:

Michael Casey, City Clerk
(Seal)