





TO: John McDonough, City Manager

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

DATE: November 27, 2012, for Submission onto the Consent Agenda of the December 18, 2012 City Council Meeting

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

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***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 40 of the 17<sup>th</sup> District, Fulton County, Georgia. The property as shown in the attached exhibits is being dedicated by the property owners, Congregation Beth Tefillah, Inc., and is more particularly located at 5065 High Point Road. The dedicated right of way totals 1,502.00 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

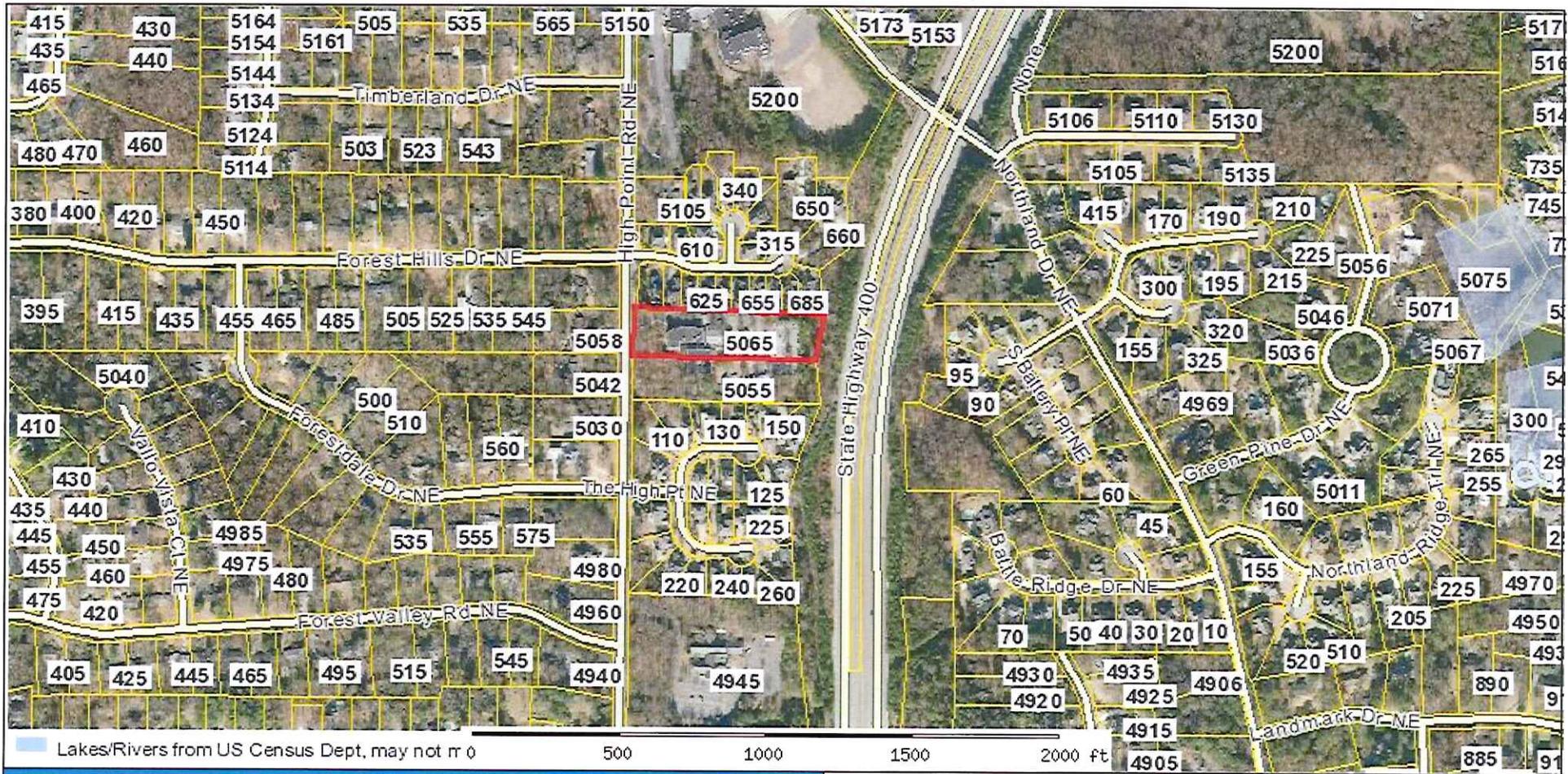
***Financial Impact:***

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

*Public  
Works*



Lakes/Rivers from US Census Dept, may not r 0

ROW Deed of Dedication from Congregation Beth Tefillah, Inc.

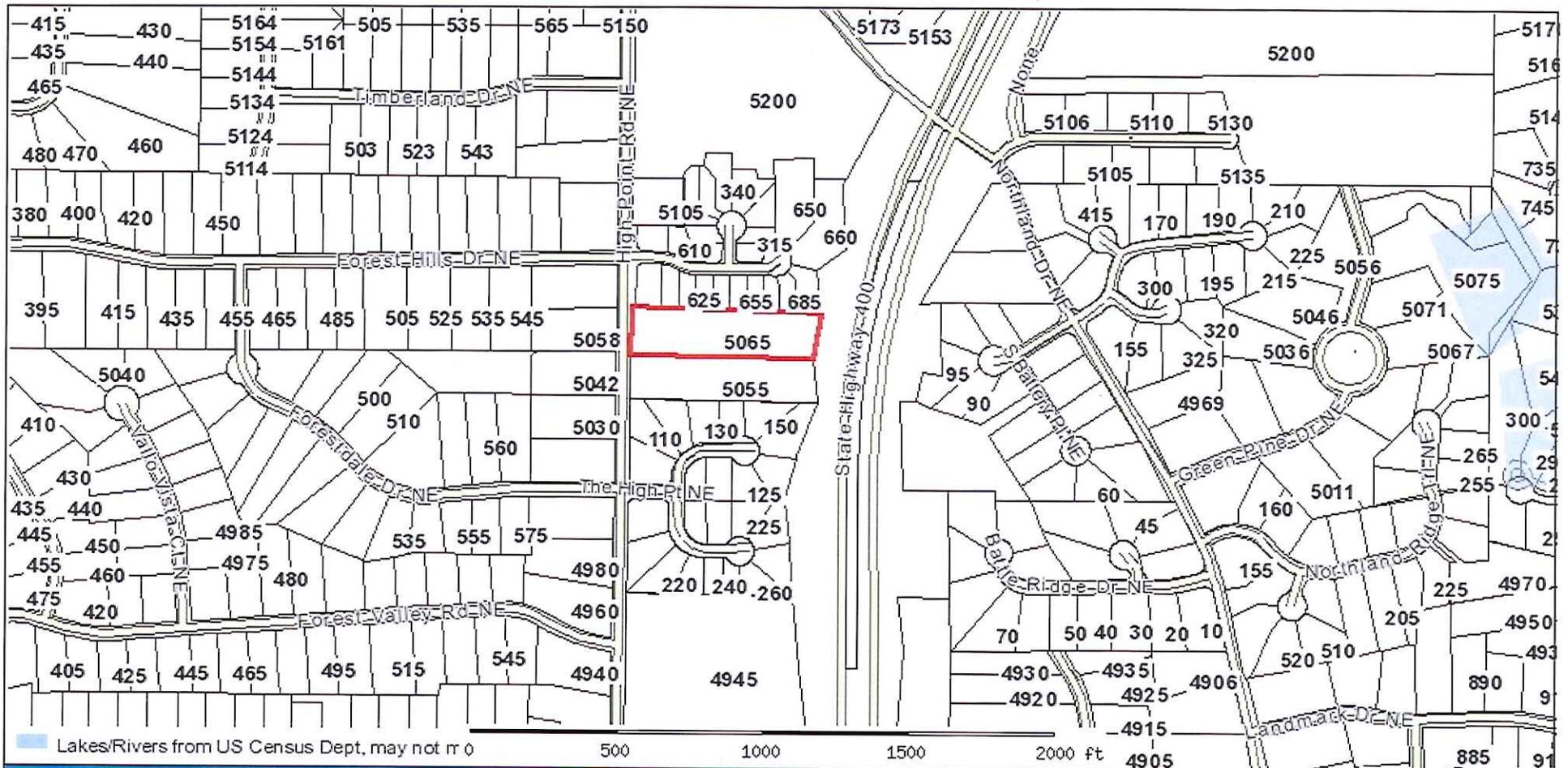
Parcel: 17 0040 LL0528 Acres: 0

Name:	CONGREGATION BETH TEFILLAH INC	Land Value	\$ 54,300
Site:	5065 HIGH POINT RD	Building Value	\$ 378,000
Sale:	0 on 1999-06-16 Reason=U Qual=T	Misc Value	0
Mail:	USA ATLANTA, GA 30342	Total Value:	\$ 432,300



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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Lakes/Rivers from US Census Dept, may not m 0

500 1000 1500 2000 ft

ROW Deed of Dedication for Congregation Beth Tefillah, Inc.			
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Date printed: 11/27/12 : 14:20:20

AFTER RECORDATION, PLEASE RETURN THIS INSTRUMENT TO:

City Clerk's Office  
Sandy Springs City Hall  
7840 Roswell Road  
Building 500  
Sandy Springs, Georgia 30350

STATE OF GEORGIA

COUNTY OF FULTON

### RIGHT OF WAY DEED

THIS INDENTURE is made this 20<sup>th</sup> day of November, 2012, between CONGREGATION BETH TEFILLAH, INC., a Georgia Nonprofit Corporation, as Grantor, and the CITY OF SANDY SPRINGS, GA, a municipal corporation of the State of Georgia, as Grantee.

### WITNESSETH:

That, Grantor, for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt, sufficiency, and adequacy of which are hereby acknowledged, has granted, bargained, sold, aliened, conveyed, and confirmed, and by these presents does grant, bargain, sell, alien, convey, and confirm unto Grantee, its successors and assigns, the following property, to wit:

That tract or parcel of land lying and being in Land Lot 40 of the 17<sup>th</sup> District, City of Sandy Springs, Fulton County, Georgia and being more particularly described in Exhibit "A" attached hereto and shown on Exhibit "B" attached hereto, both hereby made a part hereof by reference.

It is the intent of both parties that the City of Sandy Springs, Georgia, shall receive fee simple Right of Way along High Point Road with a total depth of thirty (30') feet from the existing centerline or ten and one-half (10.5') feet from back of curb, whichever is greater.

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of Grantee, forever, IN FEE SIMPLE.

Grantor will warrant and forever defend the right and title to the above described property unto Grantee against the claims of all persons whomsoever.

(The words "Grantor" and "Grantee" include all genders, plural and singular, and their respective heirs, personal representatives, successors and assigns where the context requires or permits.)

IN WITNESS WHEREOF, Grantor has signed and sealed this deed, the day and year first above written.

Signed, sealed and delivered  
in the presence of:

*Shirley Mayo*  
Unofficial Witness

*Deborah J. Kalwerisky*  
Notary Public

CONGREGATION BETH TEFILLAH, INC.

BY: *IAN RATNER*  
IAN RATNER, President

ATTEST: *ADON J. SOLOMON*  
ADON J. SOLOMON, Secretary

Notarial Execution Date: 11/20/2012

My Commission Expires: November 29, 2014

[AFFIX NOTARIAL SEAL]



EXHIBIT "A"

Written Description

Highpoint Road, Tract 1

Right of Way Dedication

All that tract or parcel of land lying and being in Land Lot 40, 17<sup>th</sup> District, City of Sandy Springs, Fulton County, Georgia, and being more particularly described as follows:

**BEGINNING** at a point on the easterly existing right of way of Highpoint Road, said point being 450.00 feet southerly, as measured along said right of way of Highpoint Road, from the intersection of said right of way and the north line of Land Lot 40; thence leaving said right of way of Highpoint Road **N89°59'19"E 9.71** feet to the proposed right of way of Highpoint Road; thence along said proposed right of way of Highpoint Road **S00°47'59"W 149.08** feet to a point; thence leaving said proposed right of way of Highpoint Road **N89°59'43"W 10.45** feet to a point on the easterly existing right of way of Highpoint Road; thence along said right of way of Highpoint Road **N01°05'02"E 149.09** feet to the **POINT OF BEGINNING**. Said tract contains 1,502 square feet (0.034 acre) and is more fully shown as Tract 1, area to be dedicated, on a Right of Way Exhibit for Congregation Beth Tefillah, Inc. by Barton Surveying, Inc. dated November 6, 2012.



EXHIBIT "B"

**GENERAL NOTES~**

THE DATA SHOWN ON THIS PLAT HAS A CLOSURE PRECISION RATIO OF 1 IN 95,144.

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

BEARINGS ARE CALCULATED FROM ANGLES TURNED FROM A SINGLE MAGNETIC OBSERVATION.

\*PER DIED AND PLAT RECORDS; NO MONUMENT FOUND.

ACCORDING TO THE CURRENT "F.I.A. OFFICIAL FLOOD HAZARD MAP", COMMUNITY PANEL NO. 13121C 0163 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.

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.

REFERENCE: SURVEY FOR CONGREGATION BETH TEFILLAH, INC., REGIONS BANK AND FIRST AMERICAN TITLE INSURANCE COMPANY BY BARTON SURVEYING, INC. DATED MARCH 28, 2002.

**TRACT 1 AREA TO BE DEDICATED**  
=1,502 SQ. FT. (0.034 AC.)

**TRACT 2 AREA TO BE DEDICATED**  
=1,027 SQ. FT. (0.024 AC.)

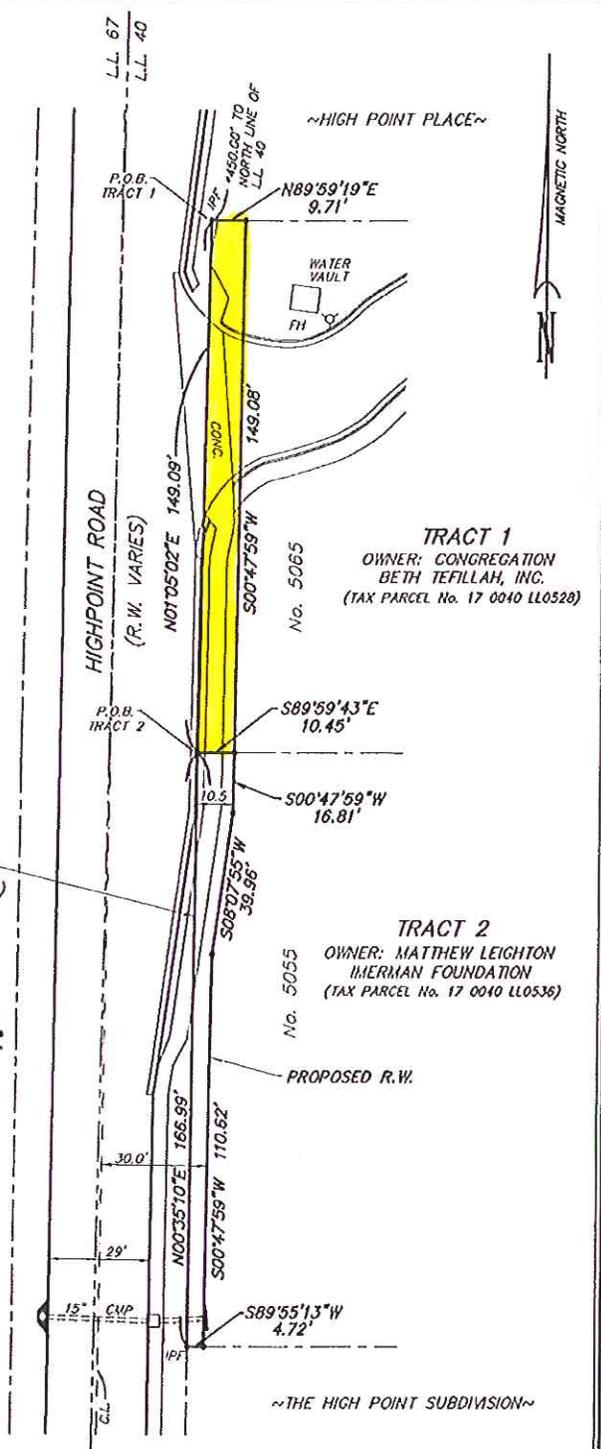
**RIGHT OF WAY EXHIBIT FOR  
CONGREGATION BETH TEFILLAH, INC.**

LOCATED IN LAND LOT 40  
17th DISTRICT, CITY OF SANDY SPRINGS  
FULTON COUNTY, GEORGIA  
NOVEMBER 6, 2012 1"=30'



**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
- CL = CENTERLINE
- HRB = 1/2" REBAR
- CT = CRIP TOP IWN
- OT = OPEN TOP PIH
- CWP = CORRUGATED METAL PIPE
- DI = DRO\* BLEET
- JO = JOINTING BOX
- WH = WAINWALE
- CB = CATCH BASIN
- BM = BENCHMARK
- PP = POWER POLE
- PH = FIRE HYDRANT
- B.C. = BACK OF CURB
- E.P. = EDGE OF PAVEMENT
- TX = TRANSFORMER



CD CASE FILE NO. U07-002/CV07-002 & U07-003



**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 40 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 Congregation Beth Tefillah, Inc., on property more particularly described as 5065 Highpoint 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 1,502.00 Square Feet of Right of Way in land lot 40, of the 17<sup>th</sup> District, Fulton County, City of Sandy Springs, Georgia.

**RESOLVED** this the 18th day of December, 2012.

Approved:

\_\_\_\_\_  
Eva Galambos, Mayor

Attest:

\_\_\_\_\_  
Michael Casey, City Clerk  
(Seal)