SANDY SPRINGS
GEORGIA

CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council **DATE:** October 30, 2012

FROM: John McDonough, City Manager

AGENDA ITEM: Consideration of the Acceptance of the dedication of a Right of Way Deed as part of the zoning requirements - 4818 Peachtree Dunwoody Road

MEETING DATE: For Submission onto the November 6, 2012, City Council Regular Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Exhibits
Resolution

APPROVAL BY CITY MANAGER: JTM *APPROVED*

PLACED ON AGENDA FOR: 11/6/2012

CITY ATTORNEY APPROVAL REQUIRED: (✓) *YES* ( ) *NO*

CITY ATTORNEY APPROVAL: GM

REMARKS:

TO: John McDonough, City Manager

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

DATE: October 23, 2012, for Submission onto the Consent Agenda of the November 6, 2012 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 Lots 13 and 14of the 17th District, Fulton County, Georgia. The property as shown in the attached exhibits is being dedicated by the property owners, EAH Investments, LLC and is more particularly located at 4818 Peachtree Dunwoody Road. The dedicated right of way totals 974.00 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; 4815 Peachtree Dunwoody Road; EAH Investments, LLC

Parcel: 17 001300050012 Acres: 0

Name:	PARR ANNE T	Land Value	$ 200,200
Site:	4815 PEACHTREE DUNWOODY RD	Building Value	$ 253,600
Sale:	$450,000 on 2012-07-13 Reason=U Qual=9	Misc Value	0
Mail:	4815 PEACHTREE DUNWOODY RD SANDY SPRINGS, GA 30342	Total Value:	$ 453,800

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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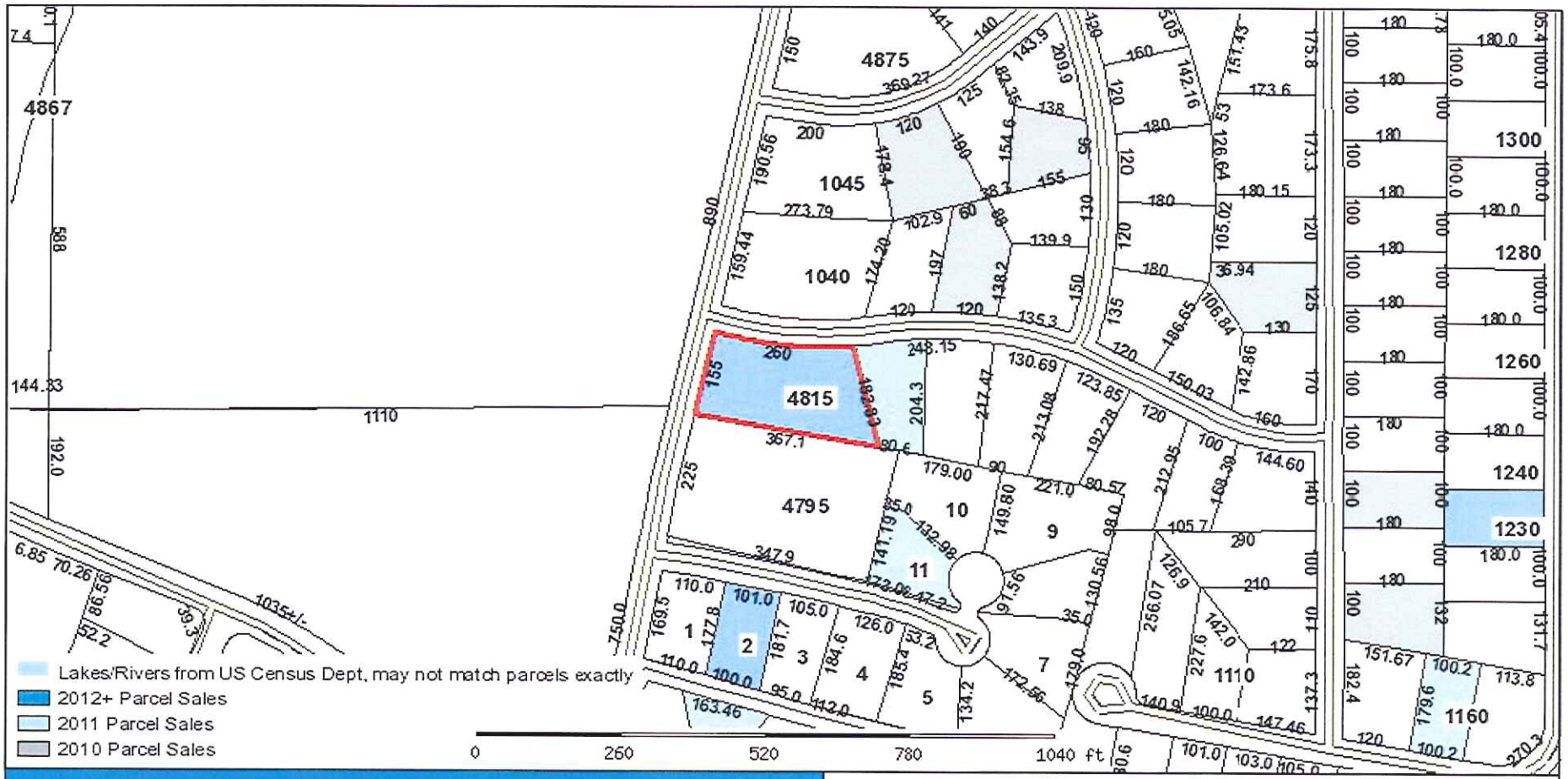

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RIGHT OF WAY DEED

STATE OF GEORGIA
FULTON COUNTY

THIS INDENTURE, made this 11 day of OCTOBER, 2012, between EAH Investments, 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 13 and 14 of the 17 th District of Fulton County, Georgia and being furthermore described in Deed Book 51450, Page 233. 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 Peachtree Dunwoody Rd., with a total depth of 30 feet from existing centerline and equaling 974/.02 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.: _____.

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.

EAH INVESTMENTS, LLC
By: Edward Andrews Homes, LLC
its Manager

Signed, sealed and delivered in the presence of:

Unofficial Witness

By: _____(SEAL)
Name: Todd A. Hager
Title: Manager

Notary Public

PAIGE M CUNNINGHAM
MY COMMISSION EXPIRES
NOTARY PUBLIC
MARCH 22, 2013
CHEROKEE COUNTY, GEORGIA

Attest: _____(SEAL)

PROPERTY ADDRESS:
4815 PEACHTREE DUNWOODY ROAD
SANDY SPRINGS, GEORGIA 30328

OWNER/DEVELOPER:
EAH INVESTMENTS, LLC
1640 POWERS FERRY ROAD
BLDG. 4 , SUITE 300
MARIETTA, GA 30067
CONTACT: SCOTT CLARK (770) 541-5251

TAX ID# 17-0013-0005-001

SANDY SPRINGS
FILE #

EXHIBIT " "
4815 PEACHTREE DUNWOODY ROAD
FULTON COUNTY, GEORGIA
LAND LOT 13 & 14
DISTRICT: 17th

EXHIBIT "A"

LEGAL DESCRIPTION–

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 13 & 14 OF THE 17TH DISTRICT, OF FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN AND THE TRUE POINT OF BEGINNING LOCATED ON THE SOUTHEASTERLY RIGHT OF WAY PEACHTREE DUNWOODY ROAD (R/W) AND BALMORAL ROAD (R/W); TRAVEL ALONG RIGHT OF WAY OF BALMORAL ROAD SOUTH 76 DEGREES 42 MINUTES 00 SECONDS EAST A DISTANCE OF 25.00 FEET TO A POINT;
THENCE TRAVEL SOUTH 58 DEGREES 17 MINUTES 45 SECONDS WEST A DISTANCE OF 28.28 FEET TO A POINT;
THENCE TRAVEL SOUTH 13 DEGREES 17 MINUTES 30 SECONDS WEST A DISTANCE OF 134.70 FEET TO A POINT;
THENCE TRAVEL NORTH 80 DEGREES 10 MINUTES 10 SECONDS WEST A DISTANCE OF 5.01 FEET TO A POINT;
THENCE TRAVEL NORTH 13 DEGREES 17 MINUTES 30 SECONDS EAST A DISTANCE OF 155.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 974 SF/0.02 ACRES MORE OR LESS

B H & D Engineering, Inc.

280 HERITAGE WALK
WOODSTOCK, GEORGIA 30188
PHONE: (678) 462-4021
FAX: (678) 445-4326
CONTACT: BRENNEN HICKS

N

0 30' 45' 60'
SCALE: 1"=30'

GEORGIA REGISTERED No. 028411 PROFESSIONAL ENGINEER MICHAEL HENDERSON

PROPERTY ADDRESS:
4815 PEACHTREE DUNWOODY ROAD
SANDY SPRINGS, GEORGIA 30328

OWNER/DEVELOPER:
EAH INVESTMENTS, LLC
1640 POWERS FERRY ROAD
BLDG. 4 , SUITE 300
MARIETTA, GA 30067
CONTACT: SCOTT CLARK (770) 541-5251

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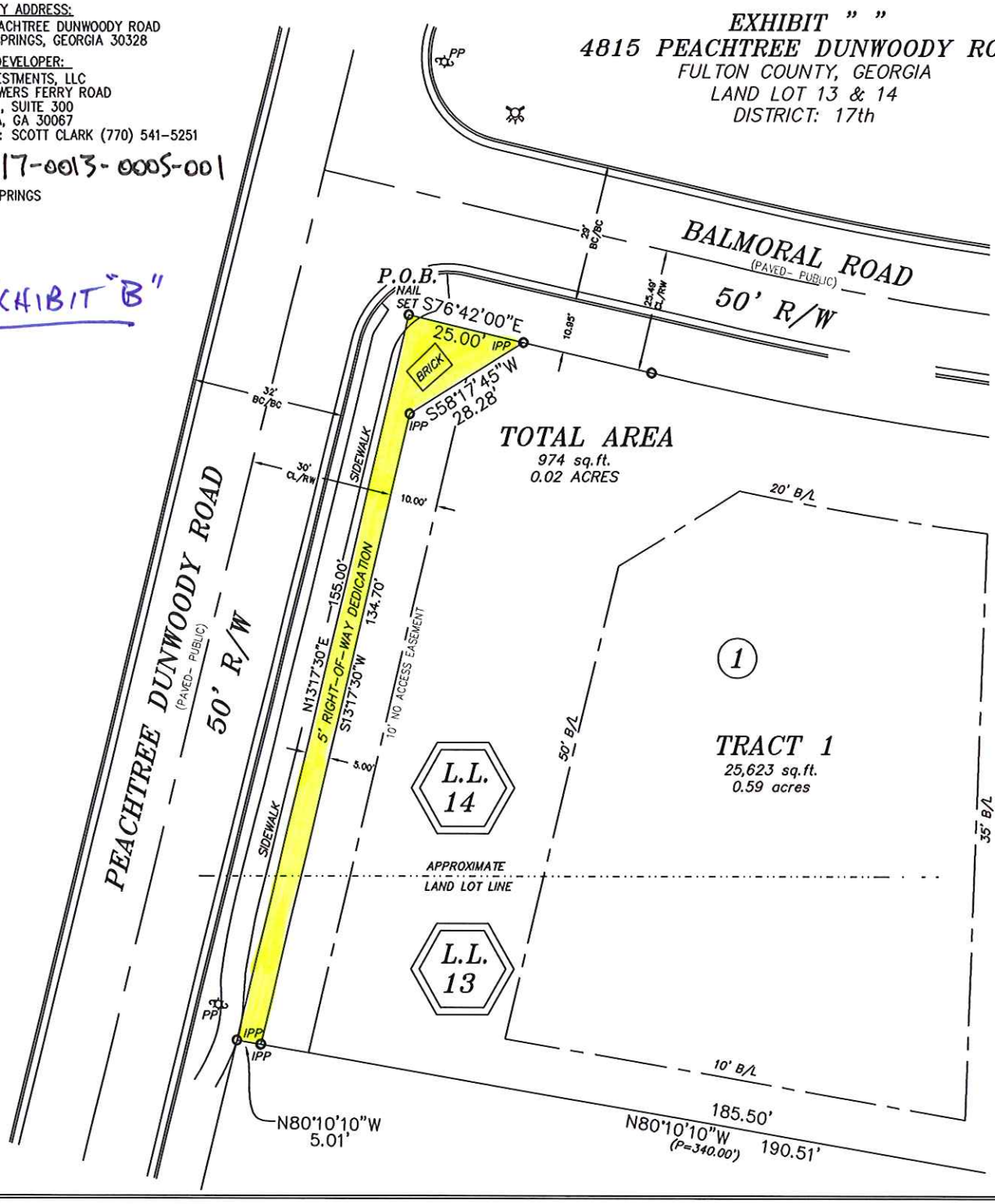
SANDY SPRINGS
FILE #

EXHIBIT "B"

EXHIBIT " "
4815 PEACHTREE DUNWOODY ROAD
FULTON COUNTY, GEORGIA
LAND LOT 13 & 14
DISTRICT: 17th



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GEORGIA REGISTERED No. 028411 PROFESSIONAL ENGINEER MICHAEL HENDERSON

RESOLUTION NO. _____

STATE OF GEORGIA
COUNTY OF FULTON

A RESOLUTION TO ACCEPT THE DEDICATION OF RIGHT OF WAY ON PROPERTY LOCATED IN LAND LOTS 13 AND 14 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 EAH Investments, LLC, on property more particularly described as 4815 Peachtree Dunwoody 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 974.00 Square Feet of Right of Way in land lots 13 and 14, of the 17th District, Fulton County, City of Sandy Springs, Georgia.

RESOLVED this the 6th day of November, 2012.

Approved:

_____
Eva Galambos, Mayor

Attest:

_____
Michael Casey, City Clerk
(Seal)