





TO: John McDonough, City Manager

FROM: Kevin J. Walter, P.E., Public Works Director

DATE: October 1, 2012, for Submission onto the Consent Agenda of the October 16, 2012 City Council Meeting

ITEM: Consideration of the Acceptance of the Agreement to Purchase Right of Way.

---

***Public Works Department's Recommendation:***

Staff recommends that the Mayor and City Council accept the Agreement to Purchase Right of Way (and Temporary Construction Easement) in the amount of \$5,700.00 on that tract or parcel of land lying and located in Land Lot 363 of the 6<sup>th</sup> District, Fulton County, Georgia. The property as shown in the attached exhibit is owned by VBS LLC and the property is located at 1120 Hightower Trail, Sandy Springs, Georgia. The fee simple Right of Way area consists of 511.51 square feet and the Temporary Construction Easement consists of 1,466.46 square feet.

***Background:***

The acquisition of fee simple Right of Way (and Temporary Construction Easement) across the VBS LLC property is necessary in order to construct the T-0033/Hightower Trail Sidewalk Project. The properties along this corridor are zoned mostly light industrial or office property zonings. The agreed upon compensation of \$5,700.00 is the appraised fair market value based upon an independent appraisal that the City obtained. No counter-proposal was issued by the property owner.

***Discussion:***

Donations of the required rights of way were sought at the beginning of the negotiations, but no donations were received. The Public Works department considered alternative alignments/plans for the sidewalk to avoid acquiring right of way, but none of the alternatives could be built without ultimately acquiring some amount of fee simple right of way. In the end, the owners wanted to be compensated for their property required for the project.

***Alternatives:***

The City could elect to forego the construction of the sidewalk project.

***Financial Impact:***

The appraised fair market value of the property rights to be acquired is \$5,700.00

***Attachments:***

- I. Resolution
- II. Exhibits
  - Aerial and GIS Maps
  - Executed Agreement to Purchase Right of Way (including Plat and Legal Description)

STATE OF GEORGIA  
COUNTY OF FULTON

**A RESOLUTION TO ACCEPT THE AGREEMENT TO PURCHASE RIGHT OF WAY AND  
TEMPORARY CONSTRUCTION EASEMENT ON PROPERTY LOCATED IN LAND LOT 363 OF  
THE 6<sup>th</sup> DISTRICT, CITY OF SANDY SPRINGS,  
FULTON COUNTY, 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

**WHEREAS**, the Department of Public Works, in response to the guidance provided by the City Manager, has reviewed and approves the acceptance of the Agreement to Purchase Right of Way and Temporary Construction Easement by the City of Sandy Springs for the property located at 1120 Hightower Trail, from VBS LLC, in Land Lot 363 of the 6<sup>th</sup> District, Fulton County, City of Sandy Springs, Georgia

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SANDY SPRINGS, GEORGIA**

To facilitate the construction of the T-0033 CDBG/ Hightower Trail Sidewalk Project, the City approves the acceptance of the Agreement to Purchase Right of Way and Temporary Construction Easement located in Land Lot 363 of the 6<sup>th</sup> District, Fulton County, City of Sandy Springs, Georgia.

**RESOLVED** this 16<sup>nd</sup> day of October, 2012.

**APPROVED:**

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

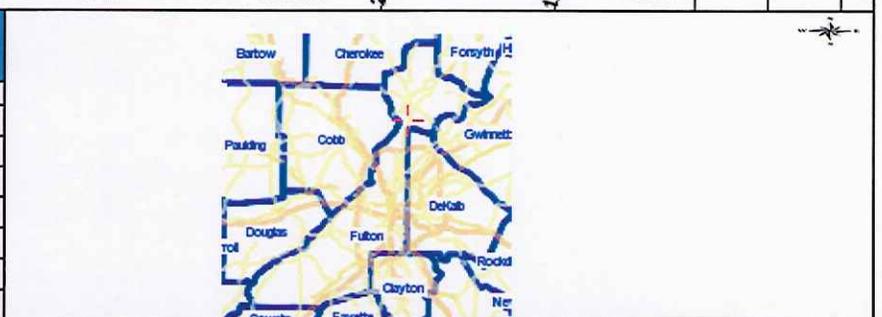
Attest:

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





|   |   |                |            |
|---|---|----------------|------------|
| 1120 Hightower Trail; VBS LLC; T-0033 CDBG Sidewalks; Hightower Trail Section |   |                |            |
| Parcel: 06 036300010619 Acres: 0  |   |                |            |
| Name:   | VBS LLC                                   | Land Value     | \$ 416,100 |
| Site:   | 1120 HIGHTOWER TRL                        | Building Value | \$ 183,900 |
| Sale:   | \$1,150,000 on 2009-09-16 Reason=U Qual=M | Misc Value     | 0          |
| Mail:   | 9675 AUTRY FALLS DR                       | Total Value:   | \$ 600,000 |
|   | ALPHARETTA, GA 30022                      |                |            |
|   |   |                |            |



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--  
 Date printed: 09/20/12 : 13:50:51

**Agreement to Purchase Right of Way**

**PROJECT:** T-0033/ City of Sandy Springs CDBG Hightower Trail Sidewalk Infrastructure Project  
**PARCEL:** #1 – VBS, LLC

For and in consideration of the sum of One Dollar (\$1.00), receipt whereof being acknowledged, the undersigned grants to City of Sandy Springs an irrevocable option to acquire portions of the following described real estate:

Right of Way and/or Easement rights through that tract or parcel of land located in Land Lots 363, of the 6<sup>TH</sup> Land District of Fulton County, Sandy Springs, Georgia, and being more particularly described in Exhibits "A" and "B", attached hereto and made a part hereof by reference.

For the sum of \$ 5,700.00, the undersigned agrees to execute and deliver to the City of Sandy Springs, fee simple title and easements to the lands owned by the undersigned as reflected on the attached Exhibits "A" and "B".  
.....

The following conditions are imposed upon the grant of this option:

1. This option shall be irrevocable for a period of 90 days from this date.
2. The consideration recited is full payment for the rights conveyed:
 

|                 |   |
|-----------------|---|
| <u>511.51</u>   | Square Feet of Fee Simple Right of Way          |
| <u>1,466.46</u> | Square Feet of Temporary Construction Easement. |
3. All Temporary Easements will terminate upon completion and acceptance of the same by City of Sandy Springs.
4. The undersigned shall obtain all quitclaim deeds or releases from any tenant now in possession and any other parties having a claim or interest in the property described above.
5. Said option may be exercised by City of Sandy Springs at any time during the period above stated, but only following notification and receipt of waiver from any and all lien holders of record unless specifically waived by City of Sandy Springs and by notice, in writing, of the election to exercise said option, delivered to the undersigned person at the address stated below. The exercise of said option will ripen these presents into a contract to sell and buy without the necessity of any further instrument in writing.
6. The undersigned covenants that, upon the exercise of this option by City of Sandy Springs, and upon the payment of the agreed upon purchase price as herein provided, the undersigned will convey, and cause to be conveyed unto the City of Sandy Springs unencumbered, marketable title to said property, in fee simple, and that the undersigned will warrant title to said property, by general covenants of warranty, against lawful claims and demands of all persons whomsoever.
7. Special provisions, if any, are listed on Exhibit "C", which is attached hereto and incorporated herein by reference.

Witness my hand and seal this 16<sup>th</sup> day of September, 2012

Signed, Sealed and Delivered  
In the Presence of:

**VBS, LLC**

Robin Grantz  
Witness

By: Atosh Bhardwaj (L.S.)  
Name: ATOSH BHARDWAJ  
Title: OWNER

Karen W. Mahmood  
Notary Public Expires 10-26-2014

Attest: \_\_\_\_\_ (L.S.)

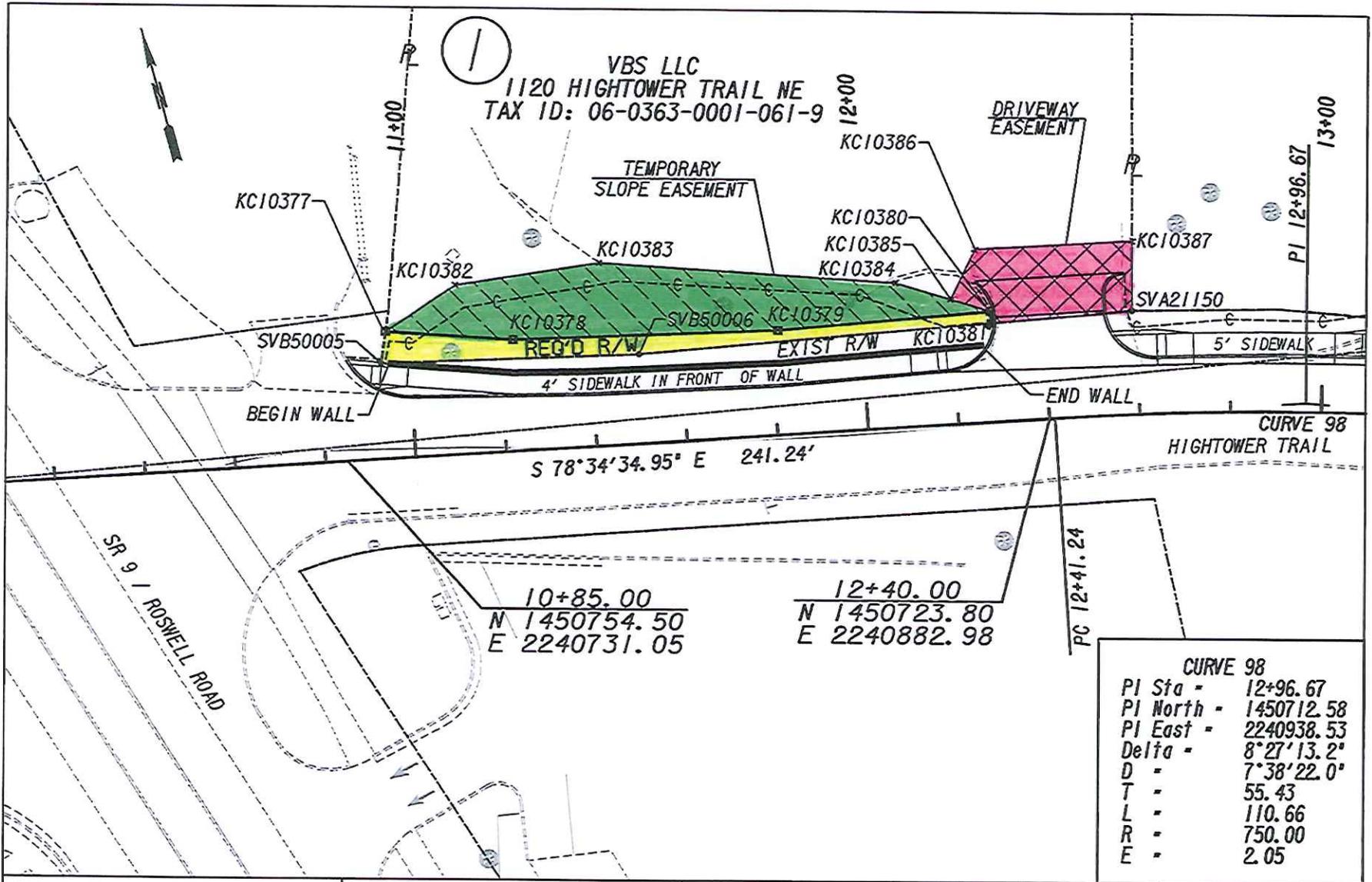
## EXHIBIT "A"

### Legal Description of Required Fee Simple Right of Way Parcel 1 VBS LLC

Beginning at a point at coordinates N 1450773.78; Thence E 2240743.76 (Horizontal Georgia Coordinate System of 1984) and 21.42 feet left of and opposite station 10+93.63 on a construction centerline laid out for Hightower Trail; running thence N 22°41'06.0" E a distance of 7.22 feet to a point 28.50 feet left of and opposite station 10+95.04 on said construction centerline laid out for Hightower Trail; thence S 71°26'24.4" E a distance of 28.17 feet to a point 25.00 feet left of and opposite station 11+23.00 on said construction centerline laid out for Hightower Trail; thence S 77°06'27.3" E a distance of 58.52 feet to a point 23.50 feet left of and opposite station 11+81.50 on said construction centerline laid out for Hightower Trail; thence S 80°24'15.6" E a distance of 47.02 feet to a point 25.00 feet left of and opposite station 12+28.50 on said construction centerline laid out for Hightower Trail; thence S 11°25'25.0" W a distance of 2.68 feet to a point 22.32 feet left of and opposite station 12+28.50 on said construction centerline laid out for Hightower Trail; thence N 80°16'08.6" W a distance of 77.91 feet to a point 20.02 feet left of and opposite station 11+50.63 on said construction centerline laid out for Hightower Trail; thence N 77°10'20.6" W a distance of 57.01 feet back to the point of beginning. **Containing 511.51 square feet, more or less.**

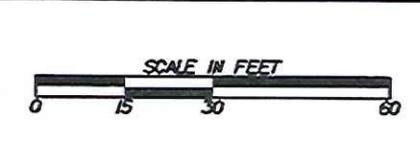
Grantor also agrees to grant the Grantee rights to a Temporary Construction Easement totaling 1,466.46 square feet for the purposes of sloping cuts and fills to support the proposed sidewalk and roadway appurtenances; and a Temporary Driveway Easement for the purposes of re-connecting the parcel's driveway to Hightower Trail after the completion of the sidewalk installation. The Temporary Construction Easement and the Temporary Driveway Easement shall both expire upon the completion and acceptance of the project by the City of Sandy Springs Public Works Department.

Exhibit B



|   |           |
|---|-----------|
| PROPERTY AND EXISTING R/W LINE              | ———       |
| REQUIRED R/W LINE                           | ———       |
| CONSTRUCTION LIMITS                         | - - - - - |
| EASEMENT FOR CONSTR & MAINTENANCE OF SLOPES | ▨▨▨▨      |
| EASEMENT FOR CONSTR OF DRIVES               | ▩▩▩▩      |

**MULKEY**  
 ENGINEERS & CONSULTANTS  
 1255 CANTON STREET, SUITE 6  
 ROSWELL, GEORGIA 30075  
 (678) 461-3511



**RIGHT OF WAY PLAN**  
**CDBG**  
**SIDEWALK INFRASTRUCTURE**  
**IMPROVEMENT PROGRAM**