
CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council

DATE: September 24, 2012

FROM: John McDonough, City Manager

AGENDA ITEM: Consideration of the Acceptance of the Agreement to Purchase
Right of Way (1170 Hightower Trail)

MEETING DATE: For Submission onto the October 2, 2012, City Council Regular
Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Resolution
Exhibits

APPROVAL BY CITY MANAGER:  APPROVED

PLACED ON AGENDA FOR: 10/2/2012

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: 

REMARKS:



TO: John McDonough, City Manager

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

DATE: September 19, 2012, for Submission onto the Consent Agenda of the October 2, 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 \$1,200.00 on that tract or parcel of land lying and located in Land Lot 363 of the 6th District, Fulton County, Georgia. The property as shown in the attached exhibit is owned by Clarice F. Comer and the property is located at 1170 Hightower Trail, Sandy Springs, Georgia. The fee simple Right of Way area consists of 107.63 square feet and the Temporary Construction Easement consists of 997.79 square feet.

Background:

The acquisition of fee simple Right of Way (and Temporary Construction Easement) across the Comer property is necessary in order to construct the T-0033/Hightower Trail Sidewalk Project. The properties along this corridor are mostly light industrial or office property zoned. The agreed upon compensation of \$1,200.00 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. The Public Works department considered alternative alignments/plans for the sidewalk, but none of the alternatives could be built without ultimately acquiring 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 \$1,200.00

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 6th 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 1170 Hightower Trail, from Clarice F. Comer, located on Land Lot 363 of the 6th District, City of Sandy Springs, Fulton County, 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 on Land Lot 363 of the 6th District, City of Sandy Springs, Fulton County, Georgia.

RESOLVED this 2nd day of October, 2012.

APPROVED:

Eva Galambos, Mayor

Attest:

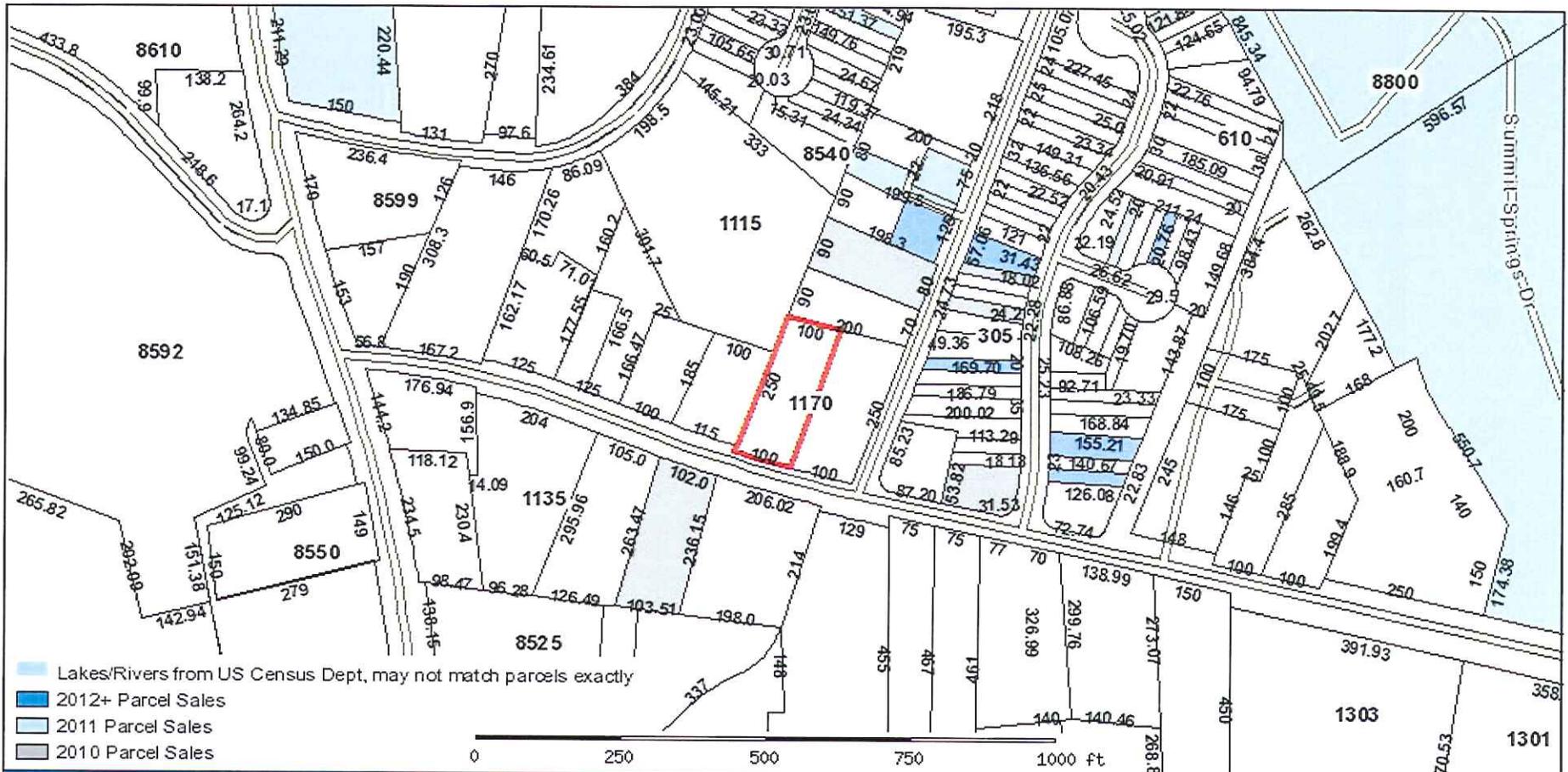
Michael Casey, City Clerk
(Seal)



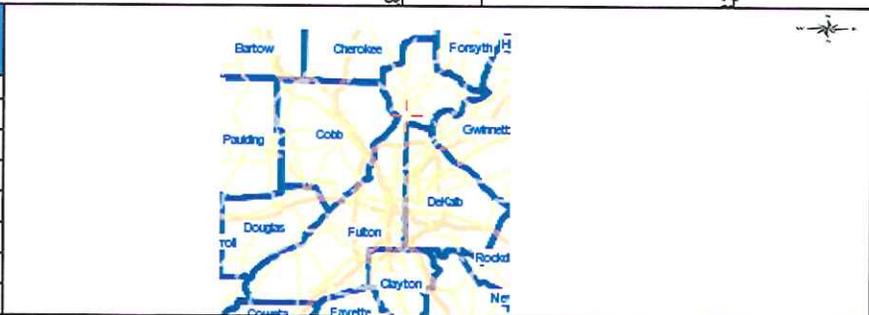
1170 Hightower Trail; P. Comer Agreement to Purchase Right of Way			
Parcel: 06 036300010478 Acres: 0			
Name:	COMER CLARICE F	Land Value	\$ 44,500
Site:	1170 HIGHTOWER TRL	Building Value	\$ 41,500
Sale:	\$110,000 on 1988-07-05 Reason=U Qual=*	Misc Value	0
Mail:	5650 EDEN ROC LN NE	Total Value:	\$ 86,000
	ATLANTA, GA 30342-1011		



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: 09/07/12 : 13:01:25



1170 Hightower Trail; P. Comer Agreement to Purchase Right of Way			
Parcel: 06 036300010478 Acres: 0			
Name:	COMER CLARICE F	Land Value	\$ 44,500
Site:	1170 HIGHTOWER TRL	Building Value	\$ 41,500
Sale:	\$110,000 on 1988-07-05 Reason=U Qual=*	Misc Value	0
Mail:	5650 EDEN ROC LN NE ATLANTA, GA 30342-1011	Total Value:	\$ 86,000



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Agreement to Purchase Right of Way

PROJECT: T-0033/ City of Sandy Springs CDBG Hightower Trail Sidewalk Infrastructure Project
PARCEL: #4 – Clarice F. Comer

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 6TH 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 \$ 1,200.00, 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:

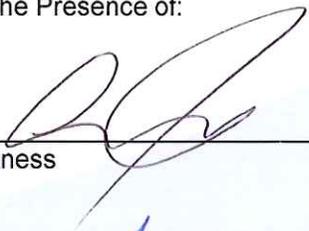
1. This option shall be irrevocable for a period of 90 days from this date.
2. The consideration recited is full payment for the rights conveyed:

 107.63 Square Feet of Fee Simple Right of Way

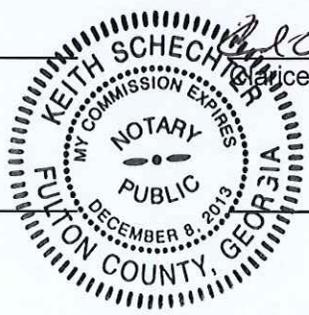
 997.79 Square Feet of Temporary Construction Easement.
3. All Temporary Easements will terminate upon completion and acceptance of the same by City of Sandy Springs.
4. The undersigned shall obtain all quitclaim deeds or releases from any tenant now in possession and any other parties having a claim 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 5th day of September, 2012

Signed, Sealed and Delivered
In the Presence of:



Witness



Clarice F. Comer
Clarice F. Comer



Notary Public

(L.S.)

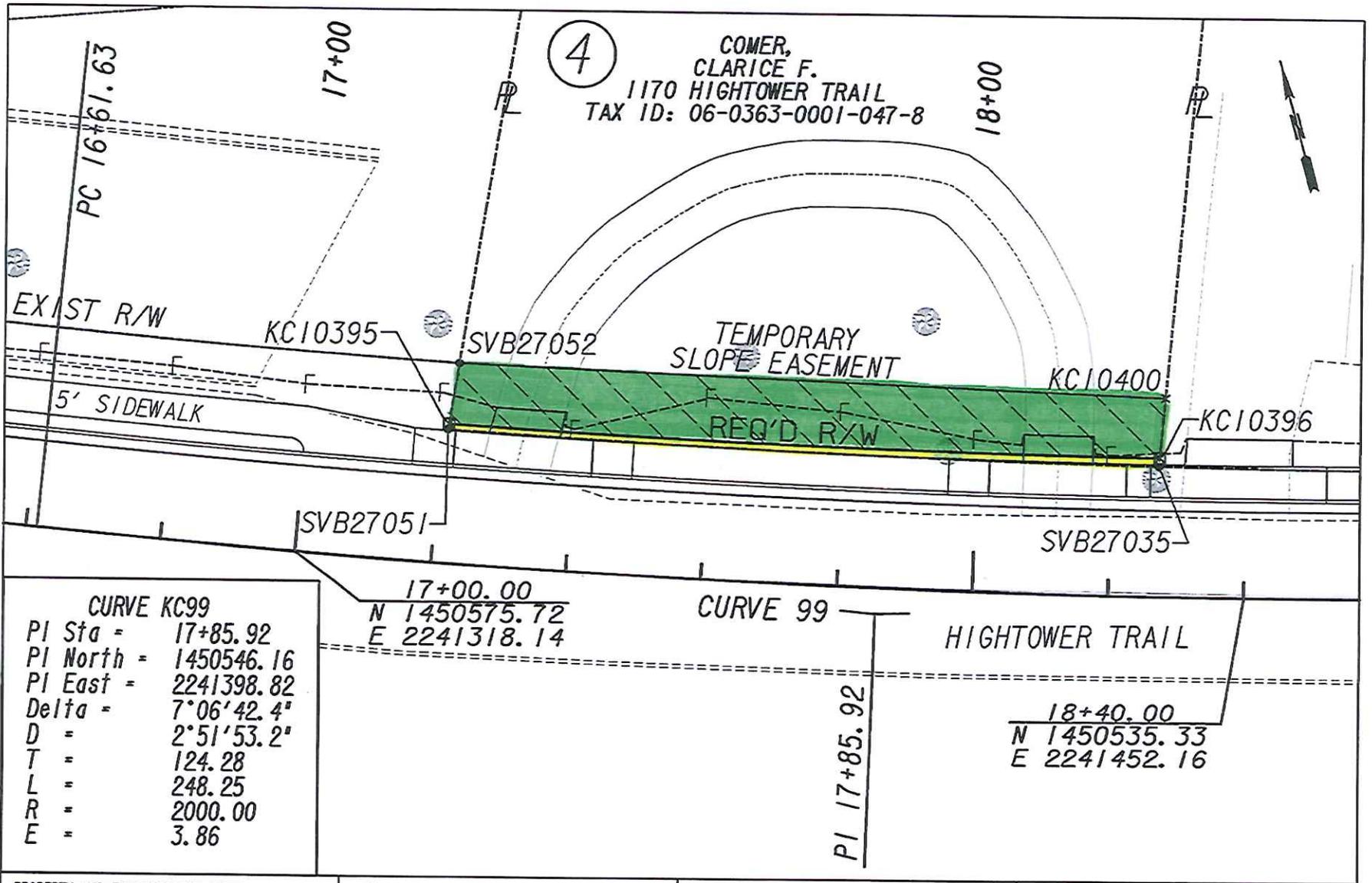
EXHIBIT "A"

Legal Description of Required Fee Simple Right of Way Parcel 4 Clarice F. Comer

Beginning at a point at coordinates N 1450588.18; Thence E 2241344.42 (Horizontal Georgia Coordinate System of 1984) and 20.14 feet left of and opposite station 17+21.08 on a construction centerline laid out for Hightower Trail; running thence N 23°40'53.9" E a distance of 0.86 feet to a point 21.00 feet left of and opposite station 17+21.16 on said construction centerline laid out for Hightower Trail; thence southeasterly 105.039 feet along the arc of a curve (said curve having a radius of 1979.000 feet and a chord distance of 105.027 feet on a bearing of S 73°20'54.9" E) to the point 21.00 feet left of and opposite station 18+27.32 on said construction centerline laid out for Hightower Trail; thence S 19°25'33.7" W a distance of 1.32 feet to a point 19.69 feet left of and opposite station 18+27.22 on said construction centerline laid out for Hightower Trail; thence northwesterly 105.079 feet along the arc of a curve (said curve having a radius of 2280.000 feet and a chord distance of 105.070 feet on a bearing of N 73°05'51.8" W) back to the point of beginning. **Containing 107.63 Square feet, more or less.**

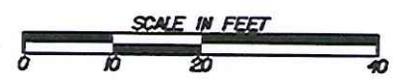
Grantor also agrees to grant the Grantee rights to a Temporary Construction Easement totaling 997.79 square feet for the purposes of sloping cuts and fills to support the proposed sidewalk and roadway appurtenances. The Temporary Construction Easement shall expire upon the completion and acceptance of 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 — G — F —
 EASEMENT FOR CONSTR & MAINTENANCE OF SLOPES [Hatched Box]
 EASEMENT FOR CONSTR OF DRIVES [Cross-hatched Box]

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



RIGHT OF WAY PLAN
CDBG
SIDEWALK INFRASTRUCTURE
IMPROVEMENT PROGRAM

Exhibit B

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*****
PARCEL 4          REQ'D R/W          KC13
*****
PNT      OFFSET/  STATION/  ALIGNMENT
        DIST      BEARING
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SYB27051  20.14 L    17+21.08  Hightower Trall
          0.86      N 23°40'53.9" E
KC10395   21.00 L    17+21.16  Hightower Trall
ARC LENGTH * 105.039
CHORD BEAR * S 73°20'54.9" E
LNTH CHORD * 105.027
RADIUS    * 1979.000
DEGREE    * 2° 53' 42''
KC10396   21.00 L    18+27.32  Hightower Trall
          1.32      S 19°25'33.7" W
SYB27035  19.69 L    18+27.22  Hightower Trall
ARC LENGTH * 105.079
CHORD BEAR * N 73°05'51.8" W
LNTH CHORD * 105.070
RADIUS    * 2280.000
DEGREE    * 2° 30' 46''
SYB27051  20.14 L    17+21.08  Hightower Trall
REQD R/W  * 107.63 SF
REQD R/W  * 0.002 ACRES
REMAINDER * +/- 0.50 ACRES

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PARCEL 4          REQ'D TEMP. EASW'T.  KC14
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PNT      OFFSET  STATION  ALIGNMENT
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KC10395   21.00 L    17+21.16  Hightower Trall
SYB27052  30.14 L    17+22.06  Hightower Trall
KC10400   30.00 L    18+28.00  Hightower Trall
KC10396   21.00 L    18+27.32  Hightower Trall
ARC LENGTH * 105.039
CHORD BEAR * N 73°20'54.9" W
LNTH CHORD * 105.027
RADIUS    * 1979.000
DEGREE    * 2° 53' 42''
KC10395   21.00 L    17+21.16  Hightower Trall
REQD EASWT AREA * 997.79 SF

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