SANDY SPRINGS
GEORGIA

CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council **DATE:** March 9, 2012

FROM: John McDonough, City Manager

AGENDA ITEM: Acceptance of the Donation of a Permanent Drainage and Temporary Construction Easement

MEETING DATE: For Submission onto the March 20, 2012, City Council Regular Meeting Agenda

BACKGROUND INFORMATION: (*Attach additional pages if necessary*)

See attached:

Memorandum
Resolution
Exhibits

APPROVAL BY CITY MANAGER: JTM *APPROVED*

_____ *NOT APPROVED*

PLACED ON AGENDA FOR: 3/20/2012

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: February 29, 2012, for Submission onto the Consent Agenda of the March 20, 2012 City Council Meeting

ITEM: Consideration of the Acceptance of the donation of a Permanent Drainage and Temporary Construction Easement.

Public Works Department's Recommendation:

Staff recommends that the Mayor and City Council accept the donation of a Permanent Drainage and Temporary Construction Easement on that tract or parcel of land lying and located in Land Lot 127 of the 17th District, Fulton County, Georgia. The property as shown in the attached exhibit is being donated by the property owner, Steven A. Robbins. The donation totals 3,701.00 square feet and is being donated so that repairs and maintenance can be performed on the collapsing culvert under Wyndham Drive near 35 Wyndham Drive.

Background:

The existing culvert under Wyndham Drive is in need of repair and restoration. Property damage and flooding likely will occur if this culvert collapses. The proposed construction will correct the problem.

Discussion:

N/A

Alternatives:

N/A

Financial Impact:

None at this time; property owner donated necessary easements.

Attachments:

I. Resolution

II. Exhibits
- Aerial Map
- GIS Map
- Right of Way Deed
- Plats
- Legal Description

Public Works

RESOLUTION NO. _____

STATE OF GEORGIA
COUNTY OF FULTON

A RESOLUTION TO ACCEPT THE DONATION OF A PERMANENT DRAINAGE AND TEMPORARY CONSTRUCTION EASEMENT ON PROPERTY LOCATED IN LAND LOT 127 OF THE 17TH 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 donation of a Permanent Drainage and Temporary Construction Easement by the City of Sandy Springs for the property located at 35 Wyndham Drive, from Steven A. Robbins, located on Land Lot 127 of the 17th 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 repairs and maintenance of a stormwater drainage culvert underneath Wyndham Drive, the City approves the acceptance of the donation of a Permanent Drainage and Temporary Construction Easement located on Land Lot 127 of the 17th District, City of Sandy Springs, Fulton County, Georgia.

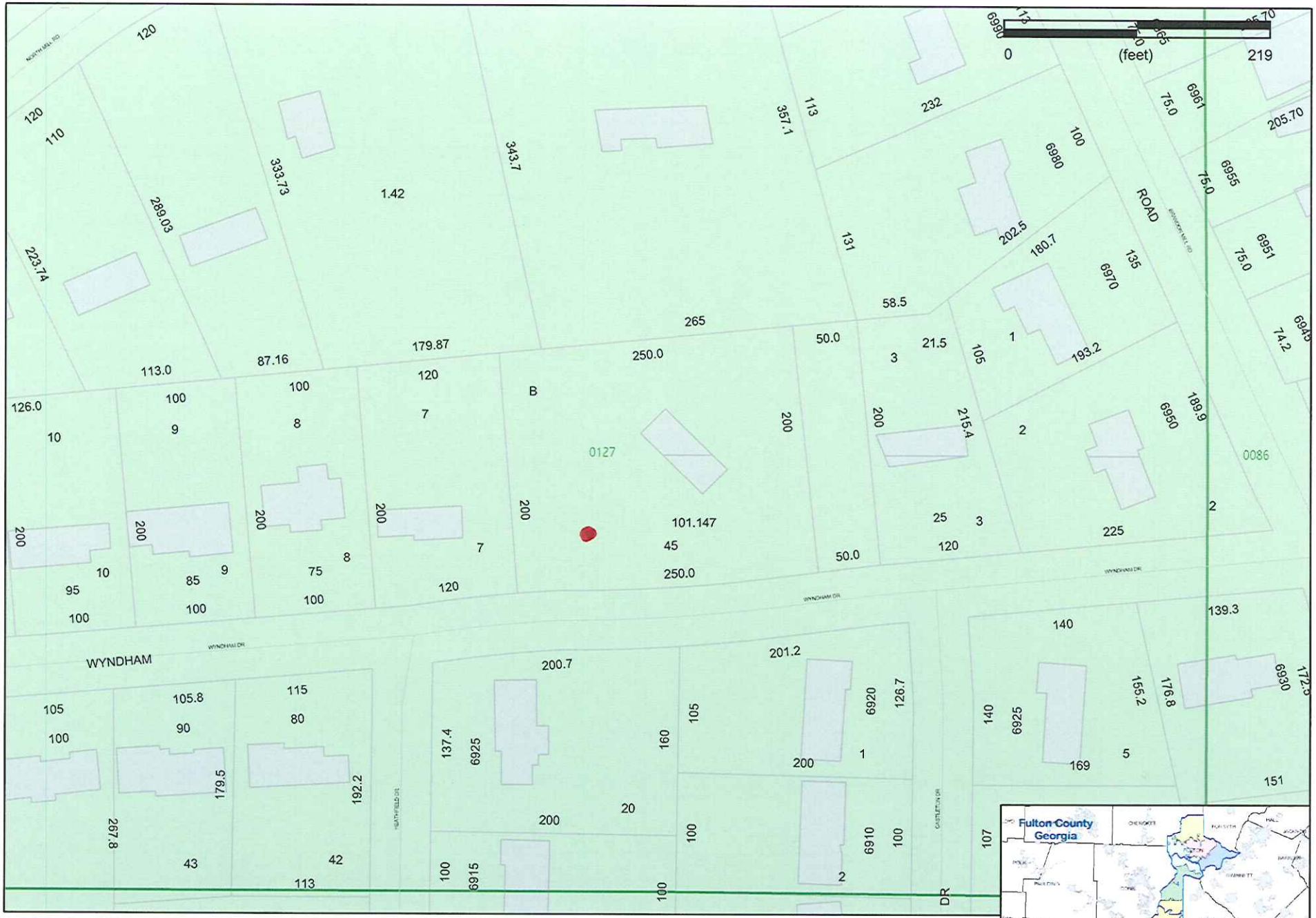
RESOLVED this 20th day of March, 2012.

APPROVED:

_____
Eva Galambos, Mayor

Attest:

_____
Michael Casey, City Clerk
(Seal)



Prepared by Fulton County Department of
Environment and Community Development
Support Services Division
Geographic Information System
Date: 01.23.45

Fulton County provides the data within this page for your personal use "as is".
The data is not guaranteed to be accurate, correct, or complete.

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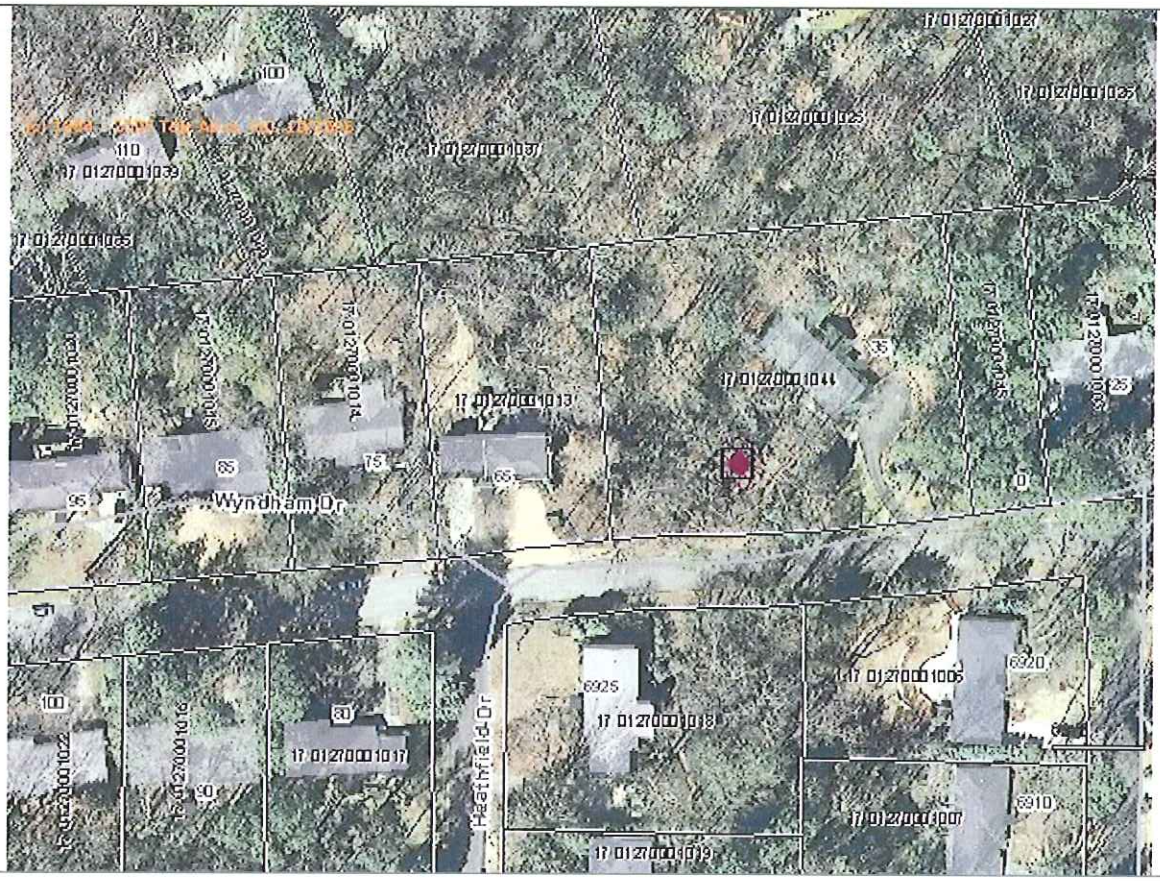
35 Wyndham Drive / Steven A. Robbins

Permanent Drainage and Temporary Construction Easement



Selections

1	polygon
2	point

Map Printed On {2012-02-29 11:26}

Legend

- Base Map
- City Limit
- City Hall
- Private School
- Major Road
- City Street
- Public Street
- Private Street
- Private Drive
- Sandy Spring 2010 Address Point
- Building Footprint
- City Plats/Parcel
- Fc parcel digest 2010 (w/o label)
- Fc parceldigest 2010
- Park
- Aerial 2010
- Red: Band_1
- Green: Band_2
- Blue: Band_3

This map has been compiled from the most accurate source data from Fulton County and the City of Sandy Springs. This map is for informational purposes only and is not to be interpreted as a legal document. The City assumes no legal responsibility for the information shown on this map. For inquiries please contact the City of Sandy Springs.

PERMANENT DRAINAGE AND TEMPORARY CONSTRUCTION EASEMENT

STATE OF GEORGIA
FULTON COUNTY

THIS AGREEMENT is entered into the 6 day of February in the year of 2011, between STEVEN A. ROBBINS herein referred to as the "Grantor", and the CITY OF SANDY SPRINGS, GA, hereinafter called the "Grantee".

THAT WHEREAS, Grantee is desirous of obtaining a 3,701.00 square foot Permanent Drainage Easement and a Temporary Construction Easement across the property of Grantor, located in Land Lot 127 of Land District 17 of Fulton County, GA, as is more particularly described in Exhibits "A" and "B" attached hereto and incorporated herein by reference, and:

WHEREAS, Grantor desires to convey said permanent drainage easement and a temporary construction easement and any and all improvements located within said permanent drainage easement in and to the said described property as is further shown on the drawing attached as Exhibits "A" and "B", incorporated herein by reference.

NOW, THEREFORE, in consideration of the foregoing recitals and ONE DOLLAR ($1.00), the receipt and sufficiency of which are hereby acknowledged by Grantor, Grantor does hereby sell and convey to the City of Sandy Springs, GA a Permanent Drainage Easement and a Temporary Construction Easement as described on and illustrated on Exhibits "A" and "B", attached hereto and incorporated herein by reference.

The easement herein shall bind the heirs and assigns of the undersigned party, and shall inure to the benefit of the successors in title of Grantee.

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

Signed, sealed and delivered in the presence of:

Witness

STEVEN A. ROBBINS (L.S.)

CATHERIN MANNE NOTARY PUBLIC FULTON COUNTY, GEORGIA MY COMMISSION EXPIRES SEPTEMBER 29, 2013

Notary Public

(L.S.)

EXHIBIT "A"

LEGAL DESCRIPTION OF PERMANENT DRAINAGE EASEMENT

Tax Parcel I.D. # = 17-0127-0001-044-9

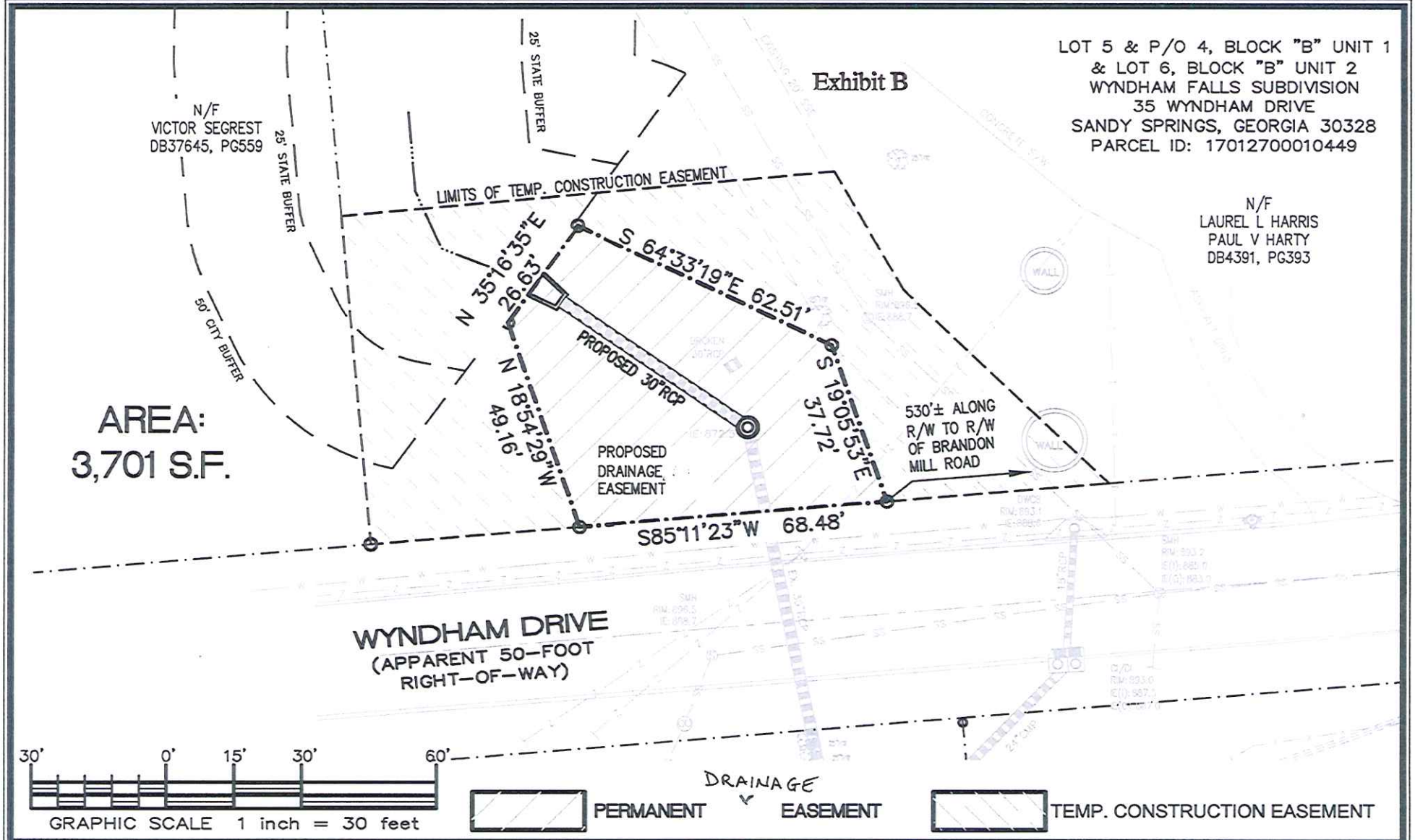
All that tract or parcel of land found in Land Lot 127, 17th District, City of Sandy Springs, Fulton County, Georgia, and being more particularly described as follows:
Beginning at the intersection of the western right-of-way of Brandon Mill Road and the northern right-of-way of Wyndham Drive (apparent 50' right-of-way), leave the right-of-way of Brandon Mill Road and commence westerly along the right-of-way of Wyndham Drive approximately 530 feet to a point, said point being the POINT OF BEGINNING.
From the POINT OF BEGINNING as thus established, along said right-of-way of Wyndham Drive, South 85 degrees 11 minutes 23 seconds West a distance of 68.48 feet to a point;
THENCE leaving said right-of-way of Wyndham Drive, North 18 degrees 54 minutes 29 seconds West a distance of 49.16 feet to a point;
THENCE North 35 degrees 16 minutes 35 seconds East a distance of 26.63 feet to a point;
THENCE South 64 degrees 33 minutes 19 seconds East a distance of 62.51 feet to a point;
THENCE South 19 degrees 05 minutes 53 seconds East a distance of 37.72 feet to a point, said point being the POINT OF BEGINNING.

Said tract containing 3,701 square feet, and being shown on and described according to that certain plat titled "Slope Easement Exhibit for City of Sandy Springs", dated December 13, 2011, and bearing the seal of Chris Amos Adams, Ga. RLS #2796, said plat being made part of this description by reference.

Grantor also agrees to grant the City of Sandy Springs rights to a Temporary Construction Easement; more specifically defined on the attached Exhibit "B" made part of by reference. Said Temporary Construction Easement shall expire upon the completion and acceptance of the project by the City of Sandy Springs Public Works Department/Stormwater Division.

Exhibit B

LOT 5 & P/O 4, BLOCK "B" UNIT 1
& LOT 6, BLOCK "B" UNIT 2
WYNDHAM FALLS SUBDIVISION
35 WYNDHAM DRIVE
SANDY SPRINGS, GEORGIA 30328
PARCEL ID: 17012700010449



SOUTHEASTERN ENGINEERING, INC.
2470 Sandy Plains Road Marietta, Georgia 30066
tel: 770-321-3936 fax: 770-321-3935
www.seengineering.com

GENERAL NOTES
1. ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED.
2. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON.
3. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 100,000+ FEET. AN ELECTRONIC TOTAL STATION WAS USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAT. AN OPENED END TRAVERSE WAS USED TO GATHER FIELD DATA.

GEORGIA REGISTERED No. 2796 LAND SURVEYOR CHRIS AMOS ADAMS

SLOPE EASEMENT EXHIBIT FOR:
CITY OF SANDY SPRINGS
PROPERTY OF: LAUREL L HARRIS & PAUL V HARTY
LAND LOT 127 OF THE 17TH DISTRICT,
CITY OF SANDY SPRINGS
FULTON COUNTY, GEORGIA

SCALE: 1"= 30'
DATE: 13 DEC 11

JOB No.-
556-11-106