



TO: John McDonough, City Manager

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

DATE: October 4, 2011, for Submission onto the Consent Agenda of the October 18, 2011 City Council Meeting

ITEM: Consideration of the Acceptance of the Right-of-Way Agreement dedication 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 for the required Right-of-Way Dedication listed below:

- Tract or parcel of land lying and located in Land Lot 38 of the 17th District, Fulton County, Georgia. The property as shown in the attached exhibit is being dedicated by the property owners, BTIC Glenridge, LLC, a Georgia limited liability company and SPUSO5 Wood Glenridge, LLC, a Delaware limited liability company. The dedication of right of way totals 6,673.00 Square Feet, and is being dedicated as required by conditions of zoning.

Background:

Right of way dedication is required per conditions of zoning and the Development Regulation Ordinance. The property owners have paid the recording fees and met the requirements of the Right of Way office for donation of property.

Discussion:

The attached exhibit includes the Legal Description and Right-of-Way drawing.

Alternatives:

N/A

Financial Impact:

N/A.

Attachments:

- I. Resolution
- II. Exhibits
 - Aerial Map
 - GIS Map
 - Conveyance of Right of Way Agreement
 - Plats
 - Legal Descriptions

*Public
Works*

STATE OF GEORGIA
COUNTY OF FULTON

**A RESOLUTION TO ACCEPT RIGHT-OF-WAY DEDICATION ON PROPERTY LOCATED IN
LAND LOT 38 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

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 and accept the dedication of Right of Way, which is required by the Development Ordinance, for BTIC Glenridge, L.L.C. a Georgia limited liability company and SPUSO5 Wood Glenridge, LLC, a Delaware limited liability company located along Glenridge Drive, Sandy Springs, Georgia.

As required per conditions of the zoning and or land development regulation ordinance, the City authorizes the acceptance of the required 6,673.00 Square Feet of Right-of-Way located in land lot 38, of the 17th District, City of Sandy Springs, Fulton County, Georgia.

RESOLVED this the 18th day of October, 2011.

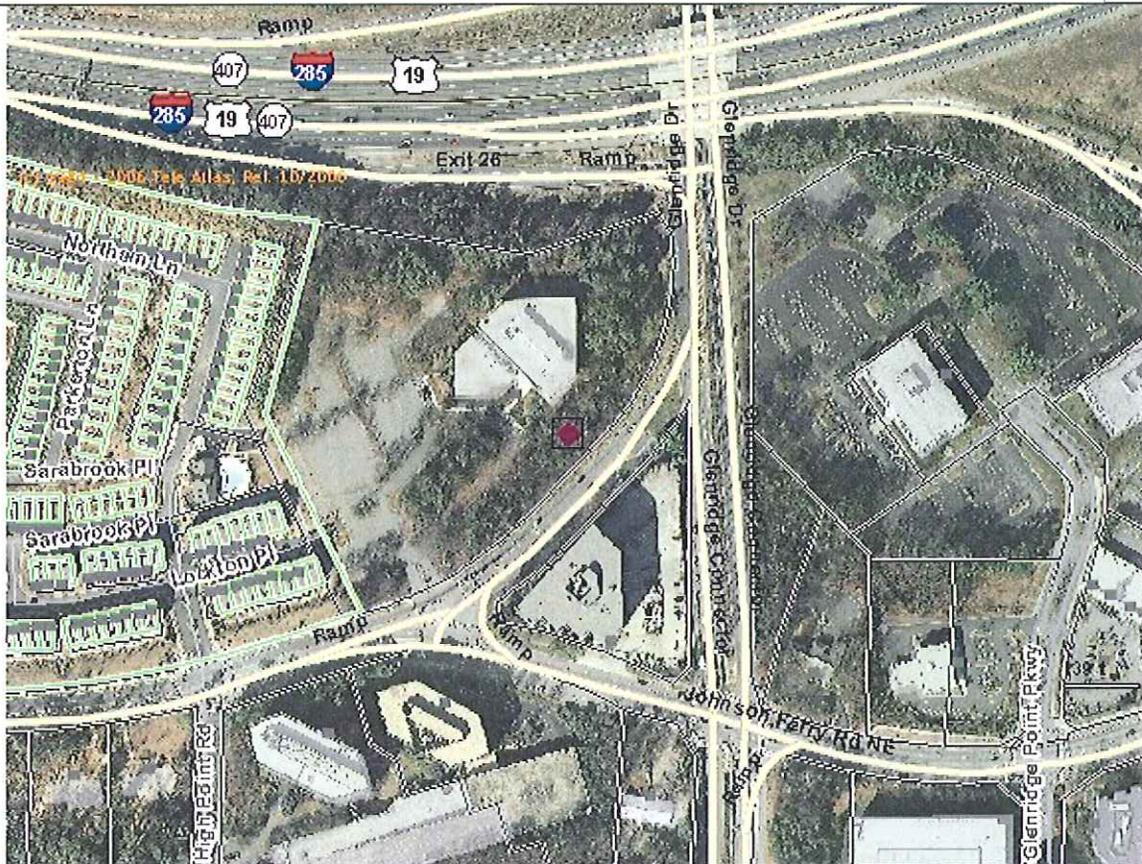
Approved:

Eva Galambos, Mayor

Attest:

Michael Casey, City Clerk
(Seal)

BTIC Glenridge, L.L.C. Right of Way Dedication



Selections

1 point

Map Printed On {2011-10-04 10:43}

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 2009
- 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.




 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.



After recording return to:
Calloway Title & Escrow, LLC
David W. Dudley 2-24365
4170 Ashford Dunwoody Rd. Ste. 285
Atlanta, Georgia 30319

Georgia, Fulton County

RIGHT OF WAY DEED

This Indenture, made this 18th day of ^{August} ~~July~~, 2011, between BTIC Glenridge, LLC, a Georgia limited liability company, and SPUSO5 Wood Glenridge, LLC, a Delaware limited liability company, as Grantor, and the City of Sandy Springs, 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:

All those tracts or parcels of land lying and being in Land Lot 38 of the 17th District of Fulton County, Georgia, and being more particularly described in Exhibits "A-1" and "A-2" attached hereto and shown on the Plat attached as Exhibit "B".

With respect to "Proposed R/W Dedication 1," as shown on Exhibit "B," it is the intent of the parties that the City of Sandy Springs shall have a total Right of Way of 358 square feet for the purpose of (road improvement) (sidewalk and street improvements).

With respect to "Proposed R/W Dedication 2," as shown on Exhibit "B," it is the intent of the parties that the City of Sandy Springs shall have a total Right of Way of 6,315 square feet for the purpose of (road improvement) (sidewalk and street improvements).

BTIC Glenridge, LLC, a Georgia limited liability company ("BTIC Glenridge"), has previously conveyed to Grantee "Proposed R/W Dedication 2" pursuant to that certain Right of Way Deed, executed by BTIC Glenridge in favor of Grantee, and recorded in Deed Book 49272, Page 106, Fulton County, Georgia Records. Accordingly, anything contained in this deed to the contrary notwithstanding, neither party comprising Grantor shall make, or by execution of this deed makes, any warranty of title with respect to

"Proposed R/W Dedication 2," as shown on Exhibit "B," this deed being a quitclaim deed with respect to "Proposed R/W Dedication 2," as shown on Exhibit "B."

This conveyance is subject to all easements, licenses and restrictions of record and all matters that would be shown by an accurate survey and inspection of said properties.

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.

BTIC GLENRIDGE, LLC

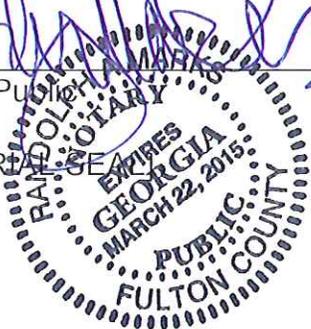
By: *Kent S. Levenson*
Kent S. Levenson, Manager

Signed, sealed and delivered
In the presence of:

[Signature]
Unofficial Witness

[Signature]
Notary Public

[NOTARIAL SEAL]



SPUS05 WOOD GLENRIDGE, LLC

By: WP Glenridge, LLC, a Delaware limited liability company, its manager

By: WP South Development Enterprises, L.L.C., a Delaware limited liability company, its manager

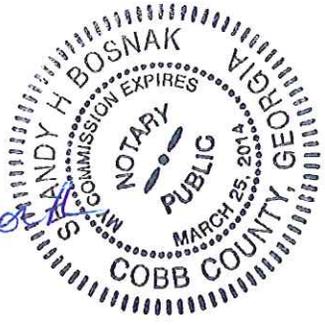
By: Wood Real Estate Investors, L.L.C., a Delaware limited liability company, its manager

By: *Bennett R. Sands*
Bennett R. Sands,
Vice President

Signed, sealed and delivered
In the presence of:

Martin Duff
Unofficial Witness

Sandy H. Boon
Notary Public



[NOTARIAL SEAL]

EXHIBIT "A-1"

LEGAL DESCRIPTION
PROPOSED RIGHT-OF-WAY DEDICATION 1

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 38 of the 17th District, City of Sandy Springs, Fulton County, Georgia and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, commence from a point at the intersection of the southerly right-of-way line of Interstate Highway 285 (Variable R/W) with the westerly right-of-way line of Glenridge Drive (Variable R/W); thence along said right-of-way line of Glenridge Drive South 16 degrees 14 minutes 13 seconds East a distance of 35.26 feet to a point and the TRUE POINT OF BEGINNING; from the TRUE POINT OF BEGINNING as thus established and continuing along said right-of-way line the following courses and distances: South 16 degrees 14 minutes 13 seconds East a distance of 7.81 feet to a point; thence South 03 degrees 20 minutes 26 seconds East a distance of 118.32 feet to a point; thence South 03 degrees 38 minutes 04 seconds East a distance of 27.46 feet to a point; thence 9.88 feet along an arc of a curve to the right, said curve having a radius of 439.92 feet and a chord bearing and distance of South 14 degrees 23 minutes 55 seconds West 9.88 feet to a point; thence leaving said existing right-of-way line and following a proposed right-of-way line North 02 degrees 56 minutes 37 seconds West a distance of 162.81 feet to a point and the TRUE POINT OF BEGINNING.

Said tract containing 0.008 acres (358 square feet).

EXHIBIT "A-2"

**LEGAL DESCRIPTION
PROPOSED RIGHT-OF-WAY DEDICATION 2**

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 38 of the 17th District, City of Sandy Springs, Fulton County, Georgia and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, commence from a point at the intersection of the southerly right-of-way line of Interstate Highway 285 (Variable R/W) with the westerly right-of-way line of Glenridge Drive (Variable R/W); thence along said right-of-way line of Glenridge Drive the following courses and distances: South 16 degrees 14 minutes 13 seconds East a distance of 35.26 feet to a point; thence South 16 degrees 14 minutes 13 seconds East a distance of 7.81 feet to a point; thence South 03 degrees 20 minutes 26 seconds East a distance of 118.32 feet to a point; thence South 03 degrees 38 minutes 04 seconds East a distance of 27.46 feet to a point; thence 9.88 feet along an arc of a curve to the right, said curve having a radius of 439.92 feet and a chord bearing and distance of South 14 degrees 23 minutes 55 seconds West 9.88 feet to a point; thence 131.44 feet along an arc of a curve to the right, said curve having a radius of 439.92 feet and a chord bearing and distance of South 23 degrees 36 minutes 06 seconds West 131.44 feet to a point and the TRUE POINT OF BEGINNING; from the TRUE POINT OF BEGINNING as thus established and continuing along said right-of-way line 87.13 feet along an arc of a curve to the right, said curve having a radius of 439.92 feet and a chord bearing and distance of South 37 degrees 50 minutes 07 seconds West 86.99 feet to a point; thence South 43 degrees 30 minutes 33 seconds West a distance of 218.23 feet to a point; thence 212.49 feet along an arc of a curve to the right, said curve having a radius of 641.53 feet and a chord bearing and distance of South 52 degrees 59 minutes 54 seconds West 211.52 feet to a point; thence leaving said right-of-way line and following a proposed right-of-way line of Glenridge Drive the following courses and distances: 60.24 feet along an arc of a curve to the right, said curve having a radius of 151.61 feet and a chord bearing and distance of North 50 degrees 55 minutes 17 seconds East 59.84 feet to a point; thence North 53 degrees 15 minutes 47 seconds East a distance of 80.31 feet to a point; thence North 48 degrees 38 minutes 49 seconds East a distance of 67.64 feet to a point; thence North 00 degrees 56 minutes 17 seconds East a distance of 17.14 feet to a point; thence North 45 degrees 56 minutes 17 seconds East a distance of 103.93 feet to a point; thence North 43 degrees 09 minutes 27 seconds East a distance of 148.00 feet to a point; thence North 52 degrees 43 minutes 01 seconds East a distance of 43.67 feet to a point and the TRUE POINT OF BEGINNING.

Said tract containing 0.145 acres (6,315 square feet).

EXHIBIT "B"

This map or plat has been calculated for closure and is found to be accurate to within;
 R/W Dedication 1 = 1 : 90,635
 R/W Dedication 2 = 1 : 689,312

The boundary information shown hereon was taken from the ALTA/ACSM Land Title Survey for BTIC Glenridge, LLC by Planners and Engineers Collaborative dated June 1, 2008.

INTERSTATE 285
 (VARIABLE R/W)

GLENRIDGE DRIVE
 (VARIABLE R/W)

PROPOSED R/W DEDICATION 1
 0.008 ACRES
 358 SQ. FT.

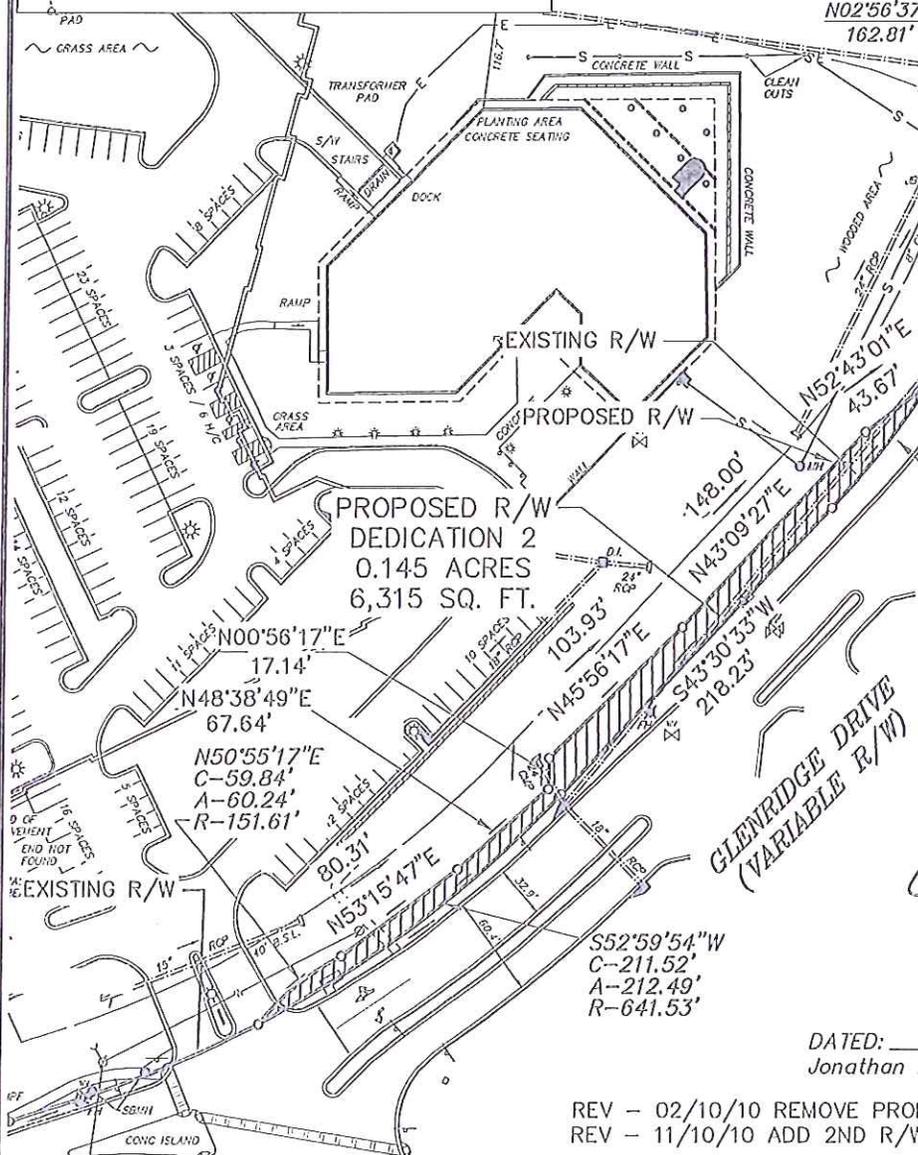
PROPOSED R/W DEDICATION 2
 0.145 ACRES
 6,315 SQ. FT.

LAND LOT 38
 17TH DISTRICT
 CITY OF SANDY SPRINGS
 FULTON COUNTY, GEORGIA



DATED: 11/10/10
 Jonathan N. Howard, Ga. R.L.S. No. 3008

REV - 02/10/10 REMOVE PROPOSED R/W ABANDONMENT - JNH
 REV - 11/10/10 ADD 2ND R/W DEDICATION - JNH



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PROPOSED RIGHT-OF-WAY EXHIBIT
 DRAWN BY: JNH
 CHECKED BY:
 FILE NO.: 07080.00
 DATE: 4/29/08
 SCALE: 1" = 100'