



TO: John McDonough, City Manager

FROM: Kevin Walter, Public Works Director

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

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

- Tract or parcel of land lying and located in Land Lot 88 of the 17th District, Fulton County, Georgia. The property as shown in the attached exhibit is being dedicated by the property owners, Regency Centers, L.P., a Delaware limited partnership. The dedication of right of way totals 2,683.00 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 THE CONVEYANCE OF RIGHT-OF-WAY AGREEMENT ON
PROPERTY LOCATED IN LAND LOT 88 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 Conveyance of Right of Way Agreement, which is connected to the dedication of right-of-Way as required by the Development Ordinance, for Regency Centers, L.P., a Delaware limited partnership, located along Roswell Road and Cromwell Road, Sandy Springs, Georgia.

As required per conditions of zoning and or land development regulations ordinance, the City authorizes the acceptance of the required 2,683.00 Square Feet of Right-of-Way located in land lot 88, of the 17th District, City of Sandy Springs, Fulton County, Georgia.

RESOLVED this the 18th day of October, 2011.

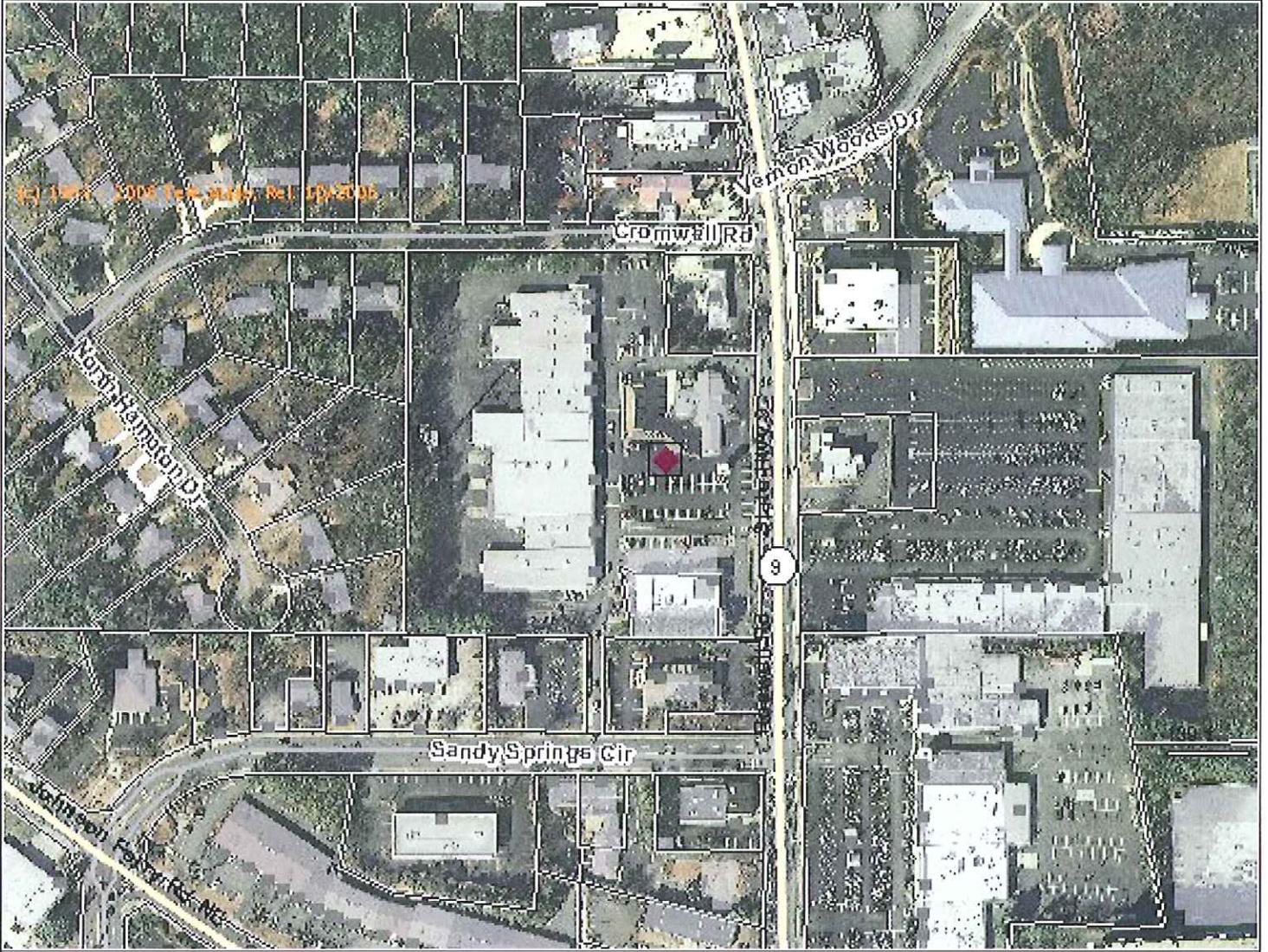
Approved:

Eva Galambos, Mayor

Attest:

Michael Casey, City Clerk
(Seal)

Regency Partners, L.P. Right of Way Dedications

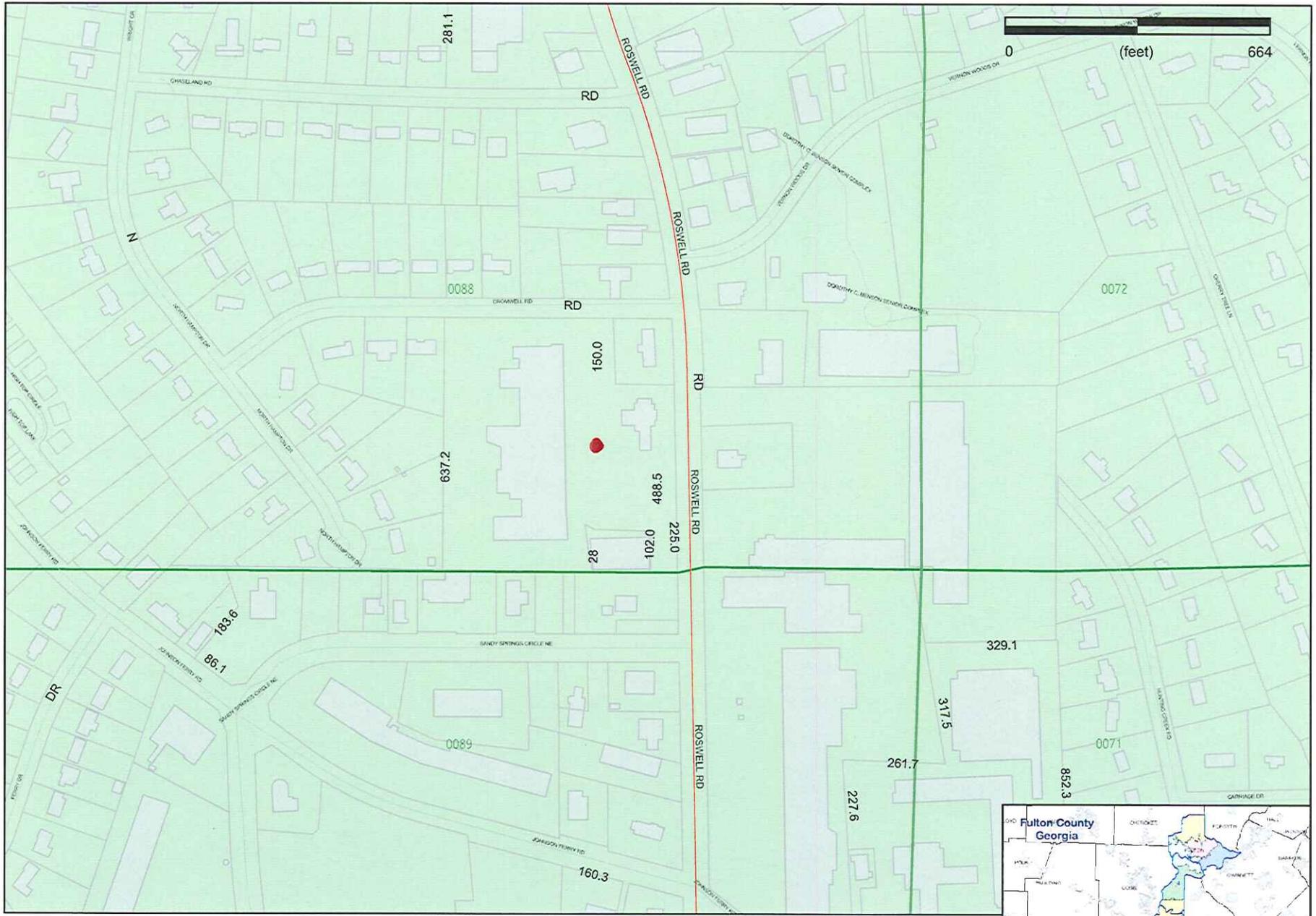


1 point

Map Printed On {2011-10-04 09:27}

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.

Legend




 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.



CONVEYANCE OF RIGHT-OF-WAY AGREEMENT

THIS CONVEYANCE OF RIGHT-OF-WAY AGREEMENT (the "Agreement") is hereby made and entered into as of the 27 day of September, 2011 (being the "Effective Date" as defined below) by and between **REGENCY CENTERS, L.P.**, a Delaware limited partnership ("Regency"), and **THE CITY OF SANDY SPRINGS, GEORGIA** ("Sandy Springs"). Regency and Sandy Springs may sometimes be collectively referred to herein as the "Parties" and, individually, as a "Party".

W I T N E S S E T H T H A T:

WHEREAS, Regency is the owner of certain real property comprised of approximately 7.741 acres lying and being in Land Lot 88 of the 17th District, Fulton County, Georgia, as more particularly shown on Exhibit A attached hereto (the "Regency Parcel"); and

WHEREAS, Sandy Springs has requested that Regency convey certain property from the Regency Parcel to Sandy Springs for rights-of-way for Roswell Road as more particularly described on Exhibit B attached hereto (the "Roswell Rd. Right-of-Way") and for Cromwell Road as more particularly described on Exhibit C attached hereto (the "Cromwell Rd. Right-of-Way"). For purposes of this Agreement the Roswell Rd. Right-of-Way and Cromwell Rd. Right-of-Way are collectively referred to as the "Rights-of-Way"; and

WHEREAS, Regency is agreeable to conveying the Rights-of-Way to Sandy Springs upon the terms and conditions hereinafter set forth, together with all rights, easements and appurtenances pertaining thereto and all improvements, trees, bushes, landscaping and foliage.

NOW, THEREFORE, in consideration ten dollars in hand paid, the mutual promises and covenants set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. **Property Conveyance** Subject to the terms and conditions set forth in this Agreement, Regency agrees to convey to Sandy Springs the Rights-of-Way and Sandy Springs agrees to accept the Rights-of-Way.

2. **Conveyance of Title.** Within five (5) days after the date hereof Regency shall convey fee simple title to the Rights-of-Way pursuant to a recordable warranty deed. Regency agrees to deliver possession of the Rights-of-Way in the same unoccupied condition as presently exists which is free of any right of possession or claim to right of possession by any third party.

3. **Landscaping and Improvements.**

a. Currently Sandy Springs anticipates installing pavers, a sidewalk, and light post within the Roswell Rd. Right-of-Way, but not installing any landscaping.

b. Sandy Springs, in its sole discretion, may elect to install handicap ramps at the existing entrance to the Regency Parcel from Sandy Springs Circle. If Sandy Springs elect to

install handicap ramps, Regency agrees to provide at no cost to Sandy Springs either a license for access or an easement to allow Sandy Springs to install handicap ramps at the Sandy Springs Circle entrance to the Regency Parcel.

c. Sandy Springs may elect to install a sidewalk and landscaping along the north side of the Regency Parcel fronting Cromwell Road. Sandy Springs anticipates that any improvement along Cromwell Road will end at the Regency Parcel entrance from Cromwell Road.

d. All work set forth in subsections 3a through 3c above will be accomplished by Sandy Springs at its sole cost and expense.

e. Sandy Springs agrees that it will not require Regency to install a landscape strip along the Roswell Road frontage of the Regency Parcel as part of; (i) a land disturbance permit for the Regency Parcel as long as the existing improvements remain, (ii) an expansion along the rear building line of the existing improvements, or (iii) exterior improvements to the existing buildings on the Regency Parcel.

4. **Notices.** All notices, requests, demands or other communications hereunder shall be in writing addressed as follows:

If to Regency:

Regency Centers, L.P.
3715 Northside Parkway
400 Northcreek, Suite 400
Atlanta, GA. 30327
Attn: Andre Koleszar

With a copy to:

Hartman, Simons, Spielman & Wood, LLP
6400 Powers Ferry Road, N.W.
Suite 400
Atlanta, Georgia 30339
Attn: Peter Hartman, Esq.

If to Sandy Springs:

City of Sandy Springs
Attn: Kerry Missel
7840 Roswell Rd., Building 500
Sandy Springs, GA 30350

With a copy to:

Cecil McLendon, Esq.
City Attorney, City of Sandy Springs

7840 Roswell Rd., Building 500
Sandy Springs, GA 30350

and shall be delivered either (i) personally, (ii) deposited in the U.S. mail, by registered or certified mail, return receipt requested, postage prepaid or (iii) delivered for next day delivery to a nationally recognized courier that provides next day service to be billed to the sender thereof. Any such communication delivered as provided in the previous sentence shall be deemed given (x) when delivered personally, (y) when deposited in the U.S. Mail, or (z) when deposited with the courier. Rejection, failure or refusal to accept delivery or the inability to deliver because of changed address of which no notice was given, shall be deemed to constitute receipt of the notice sent by the addressee.

5. **Miscellaneous.** This Agreement shall be governed by and construed in accordance with the laws of the State of Georgia. Time is of the essence of this Agreement. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original, and all of which shall constitute one and the same agreement.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed under seal as of the Effective Date.

REGENCY CENTERS, L.P.:
a Delaware Limited Partnership

By: 
Its: ANDRE N. KOLESZAR
Vice President- Regional Officer

THE CITY OF SANDY SPRINGS, GA.:

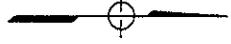
By: _____
Name: _____
Its: _____

[MUNICIPAL SEAL]

LEGEND

- IRON PIN SET - 1/2" Ø REBAR (TYP.)
- IRON PIN FOUND - 1/2" Ø REBAR (TYP.)
- ⊕ CONCRETE MONUMENT SET
- ⊖ CONCRETE MONUMENT FOUND
- CALCULATED POINT
- CH CHORD DISTANCE
- L LENGTH OF ARC
- R RADIUS
- OHP OVERHEAD POWER
- OTHT OVERHEAD TELEPHONE
- OCATV OVERHEAD CABLE TV
- PP POWER POLE
- LP LIGHT POLE
- N/W RIGHT OF WAY
- X-R-X FENCE
- LL LAND LOT
- BL BUILDING LINE
- AC ACRES
- SF SQUARE FEET
- C CENTERLINE
- CR COUNTY ROAD
- P.O.B. POINT OF BEGINNING
- N/F NOW OR FORMERLY
- T.C.R. TROUP COUNTY RECORDS
- DB DEED BOOK/PAGE NUMBER
- PB PLAT BOOK/PAGE NUMBER
- CO CLEAN OUT
- SDMH STRONGDRAIN MANHOLE
- SSMH SANITARY SEWER MANHOLE
- WM WATER METER
- WV WATER VALVE
- TGB TRAFFIC CONTROL BOX
- UCP UNDERGROUND POWER
- CV GAS VALVE
- 6344 STREET ADDRESS

NORTH BASED ON GEORGIA
STATE PLANE COORDINATE
SYSTEM - WEST ZONE



LINE TABLE

LINE	BEARING	DISTANCE
L1	N 64°09'52" W	27.00'
L2	S 09°51'26" E	87.00'
L3	S 89°41'04" E	9.00'
L4	S 00°18'56" W	28.00'
L5	N 00°20'29" E	3.28'
L6	S 05°32'43" E	8.21'
L7	S 89°38'27" W	89.35'
L8	S 89°40'16" E	6.31'
L9	S 88°52'20" W	6.50'
L10	N 01°07'40" W	117.04'
L11	N 00°51'06" W	121.63'

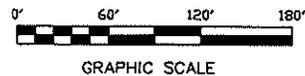
THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 33,627 FEET AND AN ANGULAR ERROR OF <03" PER ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE.

THIS SURVEY HAS BEEN CALCULATED FOR CLOSURE BY LATITUDES AND DEPARTURES AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 310,466 FEET.

EQUIPMENT USED: NIKON TOTAL STATION DTM-522.
TRIMBLE GPS 880 GPS, VRN
FIELDWORK COMPLETED: JULY 28, 2011

SURVEY NOTES:

1. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT (OR COMMITMENT) WHICH COULD REVEAL ENCUMBRANCES NOT SHOWN.
2. THIS PROPERTY IS SUBJECT TO ALL RIGHTS OF WAYS AND EASEMENTS SHOWN OR NOT SHOWN, RECORDED OR UNRECORDED.
3. UTILITIES SHOWN ARE GROUND IDENTIFIABLE ITEMS. ADDITIONAL UTILITIES MAY EXIST ABOVE OR BELOW GROUND. THE SURVEYOR ACCEPTS NO RESPONSIBILITY FOR THE COMPLETENESS OF THIS DATA.
4. UNABLE TO DETERMINE EXACT SIZE AND LOCATION OF EASEMENT/LEASE AREA FOR TOWER SITE DUE TO ILLEGIBLE DATA IN DEEDS.



DCS\SURV\WORK\2011-PROJECTS\2011-026 REGENCY ROSWELL\2011-026 REGENCY 7-15-11.DWG
DCS\SURV\WORK\2011-PROJECTS\2011-026 REGENCY ROSWELL\2011-026 REGENCY CENTER.DWG

REFERENCES:

AS-BUILT SURVEY FOR REGENCY RETAIL PARTNERSHIP, L.P., ET AL PREPARED BY DAVID A. BURRE AND ASSOCIATES, INC. AND DATED 4/18/1997.

SURVEY FOR
REGENCY RETAIL PARTNERSHIPS
AND
REGENCY CENTERS
CROWMELL SHOPPING CENTER

LAND LOT(S): 88&89 LOCATED IN 17TH DISTRICT
SANDY SPRINGS FULTON COUNTY GEORGIA
SCALE: 1"=60' (ORIGINAL) DATE: 29 JULY 2011

PREPARED BY
CAMP & ASSOCIATES LAND SURVEYING, P.C.
502 SOUTH GREENWOOD PHONE: 706-884-6065 P.O. BOX 282
LAGRANGE FAX: 706-884-6067 GEORGIA 30240



FOR THE FIRM
CAMP & ASSOC. L.S., P.C.

EXHIBIT "A"

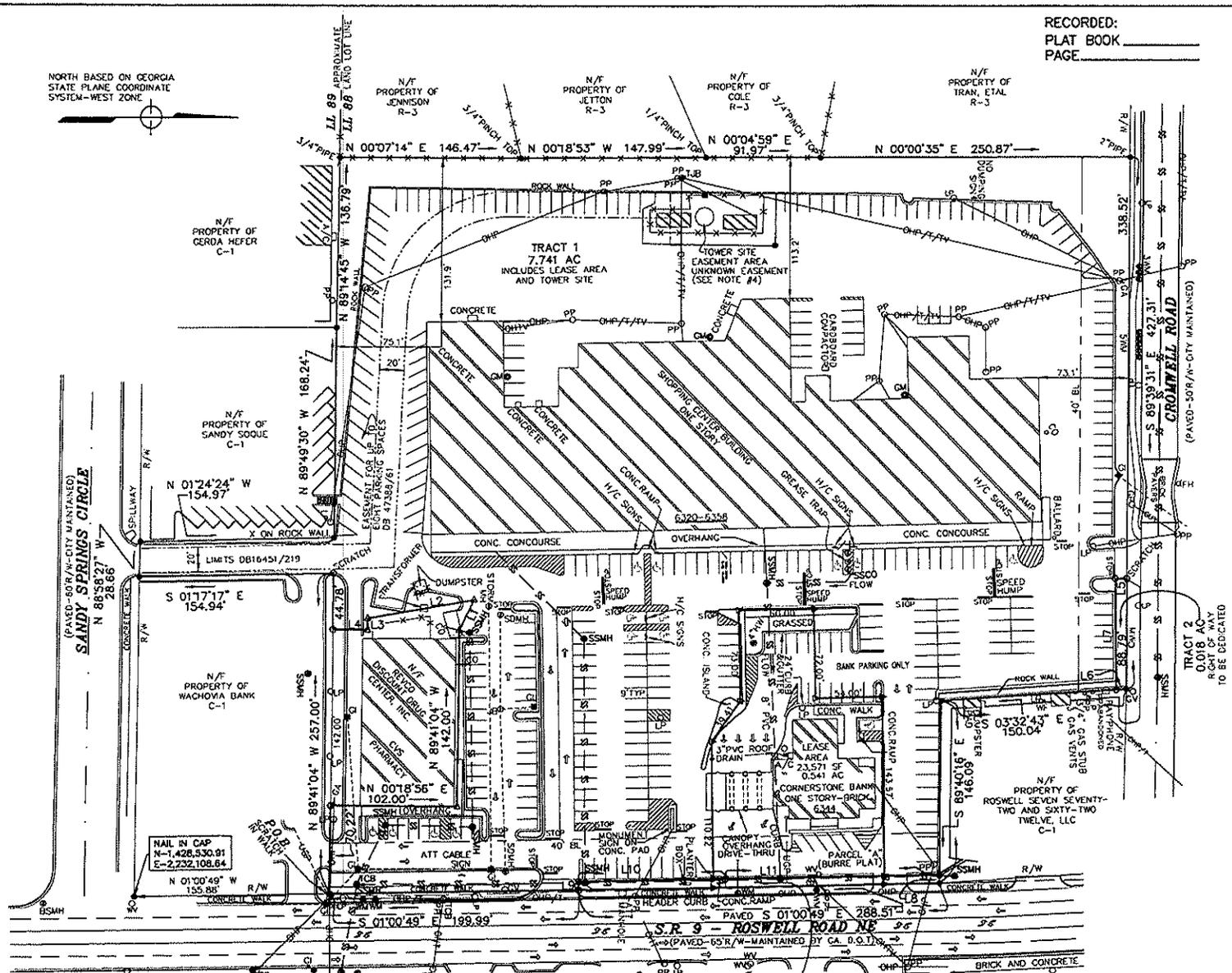


EXHIBIT "B"

**DESCRIPTION OF
ROSWELL ROAD RIGHT OF WAY DEDICATION**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 88 OF THE 17TH DISTRICT, CITY OF SANDY SPRINGS, FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A NAIL IN CAP AT THE INTERSECTION OF THE RIGHT OF WAY OF STATE ROUTE 9 (ROSWELL ROAD) AND SANDY SPRINGS CIRCLE; THENCE LEAVING SAID NAIL IN CAP AT THE INTERSECTION OF THE RIGHT OF WAY OF STATE ROUTE 9 (ROSWELL ROAD) AND SANDY SPRINGS CIRCLE FOLLOWING THE WESTERLY RIGHT OF WAY OF STATE ROUTE 9 (ROSWELL ROAD) NORTH 01 DEGREES 00 MINUTES 49 SECONDS WEST A DISTANCE OF 355.87 FEET TO 1/2" REBAR SET, SAID 1/2" REBAR SET BEING THE **TRUE POINT OF BEGINNING**. THENCE FROM SAID **TRUE POINT OF BEGINNING** LEAVING SAID RIGHT OF WAY SOUTH 88 DEGREES 52 MINUTES 20 SECONDS WEST A DISTANCE OF 6.56 FEET TO 1/2" REBAR SET; THENCE NORTH 01 DEGREES 07 MINUTES 40 SECONDS WEST A DISTANCE OF 117.04 FEET TO 1/2" REBAR SET; THENCE NORTH 00 DEGREES 51 MINUTES 06 SECONDS WEST A DISTANCE OF 171.63 FEET TO 1/2" REBAR SET ON THE PROPERTY OF ROSWELL 772 AND 6212, LLC; THENCE FOLLOWING SAID PROPERTY OF ROSWELL 772 AND 6212, LLC SOUTH 89 DEGREES 40 MINUTES 16 SECONDS EAST A DISTANCE OF 6.31 FEET TO 1/2" REBAR FOUND AT THE INTERSECTION OF THE PROPERTY OF ROSWELL 772 AND 6212, LLC AND THE WESTERLY RIGHT OF WAY OF STATE ROUTE 9 (ROSWELL ROAD); THENCE FOLLOWING SAID WESTERLY RIGHT OF WAY OF STATE ROUTE 9 (ROSWELL ROAD) SOUTH 01 DEGREES 00 MINUTES 49 SECONDS EAST A DISTANCE OF 288.51 FEET TO 1/2" REBAR SET, SAID 1/2" REBAR SET BEING THE **TRUE POINT OF BEGINNING**.

SAID TRACT CONTAINS 1,905 SQUARE FEET OR 0.04 ACRES.

THE ABOVE DESCRIBED PROPERTY IS SHOWN AS TRACT 2 ON A SURVEY FOR REGENCY RETAIL PARTNERSHIP, DATED JULY 29, 2011, PREPARED BY CAMP & ASSOCIATES LAND SURVEYING, P.C.

**DESCRIPTION OF
CROMWELL ROAD RIGHT OF WAY DEDICATION**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 88 OF THE 17TH DISTRICT, CITY OF SANDY SPRINGS, FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A NAIL IN CAP AT THE INTERSECTION OF THE RIGHT OF WAY OF STATE ROUTE 9 (ROSWELL ROAD) AND SANDY SPRINGS CIRCLE; THENCE LEAVING SAID NAIL IN CAP AT THE INTERSECTION OF THE RIGHT OF WAY OF SR 9 (ROSWELL ROAD) AND SANDY SPRINGS CIRCLE FOLLOWING THE WESTERLY RIGHT OF WAY OF STATE ROUTE 9 (ROSWELL ROAD) NORTH 01 DEGREES 00 MINUTES 49 SECONDS WEST A DISTANCE OF 644.38 FEET TO 1/2" REBAR FOUND AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY OF STATE ROUTE 9 (ROSWELL ROAD) AND THE PROPERTY OF ROSWELL 772 AND 6212, LLC; THENCE FOLLOWING SAID PROPERTY OF ROSWELL 772 AND 6212, LLC NORTH 89 DEGREES 40 MINUTES 16 SECONDS WEST A DISTANCE OF 146.09 FEET TO 1/2" REBAR FOUND; THENCE CONTINUE FOLLOWING SAID PROPERTY OF ROSWELL 772 AND 6212, LLC NORTH 03 DEGREES 32 MINUTES 43 SECONDS WEST A DISTANCE OF 141.83 FEET TO 1/2" REBAR SET, SAID 1/2" REBAR SET BEING THE **TRUE POINT OF BEGINNING**. THENCE FROM SAID **TRUE POINT OF BEGINNING** LEAVING SAID PROPERTY OF ROSWELL 772 AND 6212, LLC SOUTH 89 DEGREES 38 MINUTES 22 SECONDS WEST A DISTANCE OF 89.35 FEET TO 1/2" REBAR SET; THENCE NORTH 00 DEGREES 20 MINUTES 29 SECONDS EAST A DISTANCE OF 9.28 FEET TO SCRATCH IN CONCRETE ON THE SOUTHERLY RIGHT OF WAY OF CROMWELL ROAD; THENCE FOLLOWING SAID RIGHT OF WAY SOUTH 89 DEGREES 39 MINUTES 31 SECONDS EAST A DISTANCE OF 88.79 FEET TO 1/2" REBAR FOUND AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY OF CROMWELL ROAD AND THE PROPERTY OF ROSWELL 772 AND 6212, LLC; THENCE FOLLOWING SAID PROPERTY OF ROSWELL 772 AND 6212, LLC SOUTH 03 DEGREES 32 MINUTES 43 SECONDS EAST A DISTANCE OF 8.21 FEET TO 1/2" REBAR SET, SAID 1/2" REBAR SET BEING THE **TRUE POINT OF BEGINNING**.

SAID TRACT CONTAINS 778 SQUARE FEET OR 0.02 ACRES.

THE ABOVE DESCRIBED PROPERTY IS SHOWN AS TRACT 3 ON A SURVEY FOR REGENCY RETAIL PARTNERSHIP, DATED JULY 29, 2011, PREPARED BY CAMP & ASSOCIATES LAND SURVEYING, P.C.