

CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council

DATE: September 26, 2011

FROM: John McDonough, City Manager

AGENDA ITEM: Approval of the Acceptance of the Donation of the Right-of-Way Deed (including Temporary Construction Easement) for the Spalding Drive Sidewalks Project/ Mount Vernon Road to Nesbit Ferry Road (Nesbit Ferry Section); Project No. T-6010-14

MEETING DATE: For Submission onto the October 4, 2011, City Council Regular Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Resolution
Exhibits
Maps

APPROVAL BY CITY MANAGER: JFM APPROVED

_____ NOT APPROVED

PLACED ON AGENDA FOR: 10/4/2011

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: [Signature]

REMARKS:



TO: John McDonough, City Manager

FROM: Kevin Walter, Public Works Director

DATE: September 19, 2011, for Submission onto Consent Agenda of the October 4, 2011, City Council Meeting

ITEM: Consideration of Approval of the Acceptance of the Donation of the Right-of-Way Deed (including Temporary Construction Easement) for the Spalding Drive Sidewalks Project/ Mount Vernon Road to Nesbit Ferry Road (Nesbit Ferry Section); Project No. T-6010-14.

Public Works Department's Recommendation:

The staff recommends that the Mayor and City Council accept the right-of-way donation listed below:

- Tract or parcel of land lying and located in Land Lot 312 of the 6th District, Fulton County, Georgia. The property is as shown in the attached exhibit is being donated by Hai Thi Phan and Nihn Binn Ngo located at 7660 Nesbit Ferry Road. The donated right of way totals 585.58 Square Feet and the Temporary Construction Easement totals 920.39 Square Feet.

Background:

Right of way donation was conveyed as part of the Spalding Drive Sidewalks Project from Mt. Vernon Road to Nesbit Ferry Road (Nesbit Ferry Section), Project No. T-6010-14. The owners voluntarily elected to donate the necessary property rights required to construct the project.

Discussion:

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

Alternatives:

N/A

Financial Impact:

The City has no financial impact; this conveyance is a donation

Attachments:

- I. Resolution
- II. Exhibits
- III. Aerial Map
- IV. GIS Map

*Public
Works*

STATE OF GEORGIA
COUNTY OF FULTON

**A RESOLUTION TO ACCEPT THE DONATION OF A RIGHT-OF-WAY DEED AND
TEMPORARY CONSTRUCTION EASEMENT ON PROPERTY LOCATED IN LAND LOT 312 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

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 the acceptance of the donation of the right-of-way as required by the Spalding Drive Sidewalks from Mt. Vernon to Nesbit Ferry Road (Nesbit Ferry Section), Project No. T-6010-14; for Hai Thi Phan and Nihn Binn Ngo; located at 7660 Nesbit Ferry Road.

As required per the project, the City authorizes the acquisition of 585.58 Square Feet of Fee Simple Right-of-Way and 920.39 Square Feet of Temporary Construction Easement located in Land Lot 312 of the 6th District, City of Sandy Springs, Fulton County, Georgia.

RESOLVED this the 4th day of October, 2011.

Approved:

Eva Galambos, Mayor

Attest:

Michael Casey, City Clerk
(Seal)

RIGHT OF WAY DEED

**STATE OF GEORGIA
FULTON COUNTY**

THIS INDENTURE, made this 24th day of August, 2011, between the undersigned Hai Thi Phan and Ninh Binn Ngo, as party of the first part, and The City Of Sandy Springs, GA, as party of the second part.

WITNESSETH: That for and in consideration of the sum of ONE DOLLAR (\$1.00) AND other good and valuable consideration in hand paid and the project hereinafter described, party of the first part do grant and convey unto party of the second part, its successors and assigns, the following property to-wit:

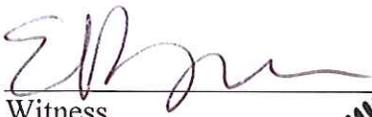
That tract of land lying and being in Land Lot 312 of the 6th District of Sandy Springs, Georgia, as described in Deed Book 10386, Page 467; and more particularly described on Exhibit "A", attached hereto and incorporated herein by reference.

IT IS THE INTENT OF THE PARTIES THAT THE CITY OF SANDY SPRINGS, GA, SHALL HAVE A TOTAL ACQUISITION OF FEE SIMPLE RIGHT OF WAY IN THE AMOUNT OF **585.58 SQUARE FEET** FOR THE PURPOSE OF CONSTRUCTING THE SIDEWALK IMPROVEMENTS.

Grantor(s) also grant to the City of Sandy Springs, GA, the right to a temporary construction easement of **920.39** square feet for the construction of cut and or fill slopes that may be necessary for the construction and maintenance of the project. To have and to hold the bargained premises unto grantee, its successors and assigns forever in fee simple.

IN WITNESS WHEREOF, parties of the first part has (have) hereunto set its/his/her/their hand (s) and seal (s) the day and year above written.

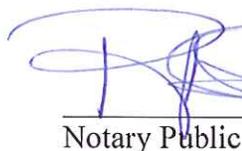
Signed, sealed and delivered in the presence of:



Witness



Hai Thi Phan (L.S.)



Notary Public





Nihn Binn Ngo (L.S.)

EXHIBIT "A"

PROJECT NO.: T-6010-14 SPALDING DRIVE SIDEWALKS/ MT. VERNON
RD. TO NESBIT FERRY RD. (NESBIT FERRY EXTENSION)
PARCEL NO.: 1
DATE OF R/W MAP: July 6, 2011
REVISION DATE: August 16, 2011

Page 1 of 1

All that tract or parcel of land lying and being in Land Lot 312 of the 6 Land District of Fulton County, Georgia, being more particularly described as follows:

Beginning at a point 20.42 feet left of and opposite station 102+77.90 on the construction centerline of Nesbit Ferry Road the City of Sandy Springs Project No. FY 10-3 Spalding Drive extension; Thence South 75° 58' 47.0" West a distance of 1.98 feet to a point 22.39 feet left and opposite station 102+77.73 on said construction centerline laid out for Nesbit Ferry Road; Thence North 10° 26' 49.0" West a distance of 44.70 feet to a point 22.34 feet left and opposite station 103+23.00 on said construction centerline laid out for Nesbit Ferry Road; Thence North 13° 02' 2.0" West a distance of 89.62 feet to a point 22.61 feet left and opposite station 104+14.61 on said construction centerline laid out for Nesbit Ferry Road; Thence North 16° 27' 13.4" West a distance of 36.11 feet to a point 22.78 feet left and opposite station 104+51.02 on said construction centerline laid out for Nesbit Ferry Road; Thence North 22° 09' 51.5" West a distance of 10.05 feet to a point 23.74 feet left and opposite station 104+61.11 on said construction centerline laid out for Nesbit Ferry Road; Thence North 17° 01' 8.5" West a distance of 34.90 feet to a point 23.67 feet left and opposite station 104+95.93 on said construction centerline laid out for Nesbit Ferry Road; Thence North 73° 10' 26.3" East a distance of 4.04 feet to a point 19.62 feet left and opposite station 104+95.95 on said construction centerline laid out for Nesbit Ferry Road; Thence South 16° 41' 52.5" East a distance of 29.30 feet to a point 19.88 feet left and opposite station 104+66.75 on said construction centerline laid out for Nesbit Ferry Road; Thence southeasterly 186.18 feet along the arc of a curve (said curve having a radius of 1484.25 feet and a chord distance of 186.06 feet and chord bearing of South 13° 06' 16.0" East) to a point 20.42 feet left and opposite station 102+77.90 on said construction centerline laid out for Nesbit Ferry Road to the point of beginning. **Containing 585.58 square feet; more or less.**

Grantor also agrees to grant the City of Sandy Springs a rights to a Temporary Construction Easement in the amount of 920.39 square feet; more particularly shown on Exhibit "A", attached hereto and made part of by reference. Said Temporary Construction Easement shall expire upon completion and acceptance of the project by the City of Sandy Springs Public Works Department.

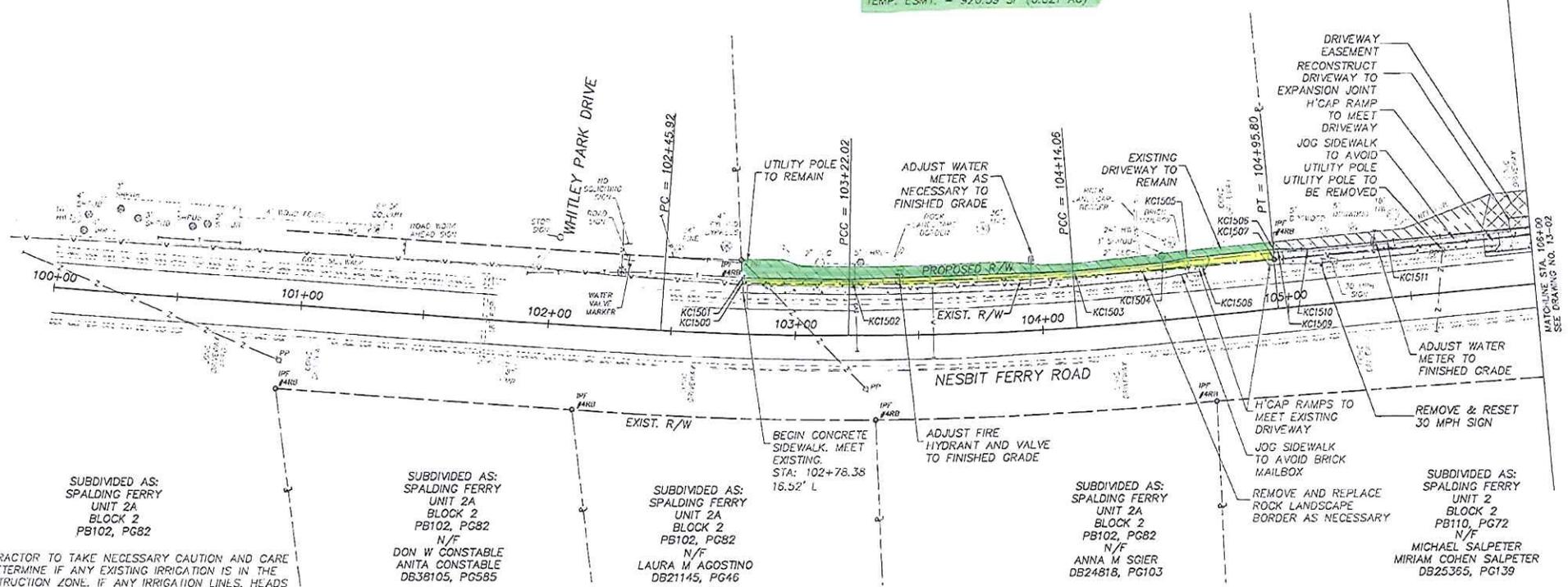


SUBDIVIDED AS:
WHITLEY PARK
PB185, PG142

Exhibit A

1
N/F
HAI THI PHAN
NINH BINH NGO
DB17710, PG83
7660 NESBIT FERRY RD NE
PARCEL #06 0312 LLO290
REQD. R/W - 585.58 SF (0.013 AC)
TEMP. ESMT. - 920.39 SF (0.021 AC)

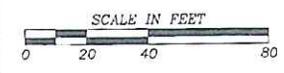
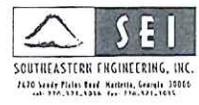
2
N/F
CUSTOM BUILDING GROUP, LLC
DB45992, PG256
7710 NESBIT FERRY RD
PARCEL # 06 0312 LLO225
REQD. R/W - 581.92 SF (0.016 AC)
DRIVEWAY ESMT. - 504.56 SF (0.012 AC)
TEMP. ESMT. - 1275.84 SF (0.029 AC)



CONTRACTOR TO TAKE NECESSARY CAUTION AND CARE TO DETERMINE IF ANY EXISTING IRRIGATION IS IN THE CONSTRUCTION ZONE. IF ANY IRRIGATION LINES, HEADS OR OTHER RELATED EQUIPMENT ARE DAMAGED DURING CONSTRUCTION THE CONTRACTOR SHALL MAKE ALL NECESSARY REPAIRS TO EXISTING IRRIGATION SYSTEM/S AND VERIFY SYSTEM INTEGRITY AS NEEDED. ANY SPRINKLERS MUST BE RESET SUCH THAT THEY ARE 2 INCHES BEHIND THE SIDEWALK AND WILL NOT SPRAY ACROSS THE SIDEWALK.

REFER TO APPROVED CONSTRUCTION DOCUMENTS FOR SPALDING DRIVE SIDEWALK PROJECT T-6010-14, PREPARED BY SOUTHEASTERN ENGINEERING, INC., MARIETTA, GA FOR TYPICAL SECTIONS AND CONSTRUCTION DETAILS.

PROPERTY AND EX. R/W LINE	STORM LINE	1
CONCRETE R/W LINE	TELEPHONE LINE	2
DISTRICT LIMITS	OH POWER LINE	3
CHANGING CASHEMENT FOR UTILITY	US POWER LINE	4
CHANGING CASHEMENT FOR DISTRICT	WATER LINE	5
CHANGING CASHEMENT FOR DISTRICT	FIBER OPTIC LINE	6
CHANGING CASHEMENT FOR DISTRICT	GAS LINE	7
CHANGING CASHEMENT FOR DISTRICT	SANITARY SEWER LINE	8
CHANGING CASHEMENT FOR DISTRICT	1 INCH DIAMETER	9



REVISION DATES	
07-26-11	DRIFT R/W, LOT 1 & 2, DRIVE LIMITS, CHANGING CASHEMENT
08-16-11	FINAL PLAN, DRIVE CHANGING CASHEMENT

CITY OF SANDY SPRINGS PUBLIC WORKS DEPARTMENT	
OFFICE: PUBLIC WORKS	DATE: 07/06/11
MAINLINE PLAN/RIGHT OF WAY MAP	
SIDEWALK IMPROVEMENTS	

SHEET NO. 1

Exhibit A

OWNER: HAI TAI PHAN & NINI BINH NGO

PARCEL 1

PNT	OFFSET/ DIST.	STATION/ BEARING	ALIGNMENT ARC DIST.	RADIUS
KC1500	20.42 L	102+77.90	NESBIT FERRY ROAD	
	1.98	S 75d58'47.0" W		
KC1501	22.39 L	102+77.73	NESBIT FERRY ROAD	
	44.70	N 10d26'49.0" W		
KC1502	22.34 L	103+23.00	NESBIT FERRY ROAD	
	86.52	N 13d2'2.0" W		
KC1503	22.61 L	104+14.61	NESBIT FERRY ROAD	
	36.11	N 16d27'13.4" W		
KC1504	22.78 L	104+51.02	NESBIT FERRY ROAD	
	10.05	N 22d9'51.5" W		
KC1505	23.74 L	104+61.11	NESBIT FERRY ROAD	
	34.90	N 17d1'8.5" W		
KC1506	23.67 L	104+95.93	NESBIT FERRY ROAD	
	4.04	N 73d10'26.3" E		
KC1507	19.62 L	104+95.95	NESBIT FERRY ROAD	
	29.30	S 16d41'52.5" E		
KC1508	19.88 L	104+66.75	NESBIT FERRY ROAD	
	186.06	S 13d6'16.0" E		
KC1500	20.42 L	102+77.90	NESBIT FERRY ROAD	1484.25

REQ'D R/W = 566 SF OR 0.015 +/- ACRES

OWNER: CUSTOM BUILDING GROUP, LLC

PARCEL 2

PNT	OFFSET/ DIST.	STATION/ BEARING	ALIGNMENT ARC DIST.	RADIUS
KC1507	19.62 L	104+95.95	NESBIT FERRY ROAD	
	4.04	S 73d10'26.3" W		
KC1506	23.67 L	104+95.93	NESBIT FERRY ROAD	
	1.75	N 17d1'8.5" W		
KC1509	23.68 L	104+97.89	NESBIT FERRY ROAD	
	12.17	N 11d10'46.7" W		
KC1510	22.53 L	105+09.80	NESBIT FERRY ROAD	
	32.25	N 16d53'24.8" W		
KC1511	22.71 L	105+42.62	NESBIT FERRY ROAD	
	99.18	N 16d56'47.9" W		
KC1512	22.97 L	106+41.80	NESBIT FERRY ROAD	
	40.30	N 16d35'56.9" W		
KC1513	22.55 L	106+82.10	NESBIT FERRY ROAD	
	24.06	N 16d52'19.4" W		
KC1514	22.90 L	107+06.16	NESBIT FERRY ROAD	
	3.43	N 72d20'1.6" E		
KC1515	19.47 L	107+06.22	NESBIT FERRY ROAD	
	210.21	S 16d41'52.5" E		
KC1507	19.62 L	104+95.95	NESBIT FERRY ROAD	

REQ'D R/W = 682 SF OR 0.016 +/- ACRES

OWNER: CUSTOM BUILDING GROUP, LLC

PARCEL 3

PNT	OFFSET/ DIST.	STATION/ BEARING	ALIGNMENT ARC DIST.	RADIUS
KC1515	19.47 L	107+06.22	NESBIT FERRY ROAD	
	3.43	S 72d20'1.6" W		
KC1514	22.90 L	107+06.16	NESBIT FERRY ROAD	
	28.90	N 16d52'19.4" W		
KC1516	23.13 L	107+34.72	NESBIT FERRY ROAD	
	9.41	N 26d7'57.0" W		
KC1517	24.80 L	107+43.99	NESBIT FERRY ROAD	
	37.44	N 16d12'22.5" W		
KC1518	25.13 L	107+80.84	NESBIT FERRY ROAD	
	12.28	N 4d53'31.5" W		
KC1519	23.07 L	107+92.95	NESBIT FERRY ROAD	
	42.21	N 14d49'6.9" W		
KC1520	23.26 L	106+35.00	NESBIT FERRY ROAD	
	55.85	N 14d3'5.6" W		
KC1521	23.23 L	106+50.85	NESBIT FERRY ROAD	
	14.01	N 13d52'48.2" W		
KC1522	23.18 L	109+04.76	NESBIT FERRY ROAD	
	3.43	N 67d34'47.0" E		
KC1523	19.79 L	109+05.27	NESBIT FERRY ROAD	
	44.31	S 13d59'40.1" E		
KC1524	19.91 L	108+61.05	NESBIT FERRY ROAD	
	154.69	S 15d20'46.3" E		
KC1525	19.47 L	107+07.72	NESBIT FERRY ROAD	
	1.01	S 16d41'52.5" E		
KC1515	19.47 L	107+06.22	NESBIT FERRY ROAD	

REQ'D R/W = 774 SF OR 0.018 +/- ACRES

OWNER: INSIGNIA HOLDINGS, LLC

PARCEL 4

PNT	OFFSET/ DIST.	STATION/ BEARING	ALIGNMENT ARC DIST.	RADIUS
KC1523	19.79 L	109+05.27	NESBIT FERRY ROAD	
	3.43	S 67d34'47.0" W		
KC1522	23.18 L	109+04.76	NESBIT FERRY ROAD	
	42.18	N 13d52'48.2" W		
KC1526	23.14 L	109+46.34	NESBIT FERRY ROAD	
	25.71	N 13d57'16.9" W		
KC1527	23.15 L	109+72.77	NESBIT FERRY ROAD	
	102.91	N 13d52'16.2" W		
KC1528	23.13 L	110+75.45	NESBIT FERRY ROAD	
	45.14	N 14d12'18.7" W		
KC1529	23.15 L	111+20.81	NESBIT FERRY ROAD	
	18.90	N 14d20'50.8" W		
KC1530	23.11 L	111+39.82	NESBIT FERRY ROAD	
	3.56	N 56d18'13.0" E		
KC1531	19.75 L	111+40.99	NESBIT FERRY ROAD	
	235.54	S 13d59'40.1" E		
KC1523	19.79 L	109+05.27	NESBIT FERRY ROAD	

REQ'D R/W = 759 SF OR 0.017 +/- ACRES

OWNER: INSIGNIA HOLDINGS, LLC

PARCEL 5

PNT	OFFSET/ DIST.	STATION/ BEARING	ALIGNMENT ARC DIST.	RADIUS
KC1531	19.75 L	111+40.99	NESBIT FERRY ROAD	
	3.56	S 56d18'13.0" W		
KC1530	23.11 L	111+39.82	NESBIT FERRY ROAD	
	28.36	N 14d20'50.8" W		
KC1532	23.06 L	111+68.18	NESBIT FERRY ROAD	
	12.45	S 30d25'40.5" E		
KC1533	19.63 L	111+56.20	NESBIT FERRY ROAD	
	15.20	S 13d59'40.1" E		
KC1531	19.75 L	111+40.99	NESBIT FERRY ROAD	

REQ'D R/W = 74 SF OR 0.002 +/- ACRES

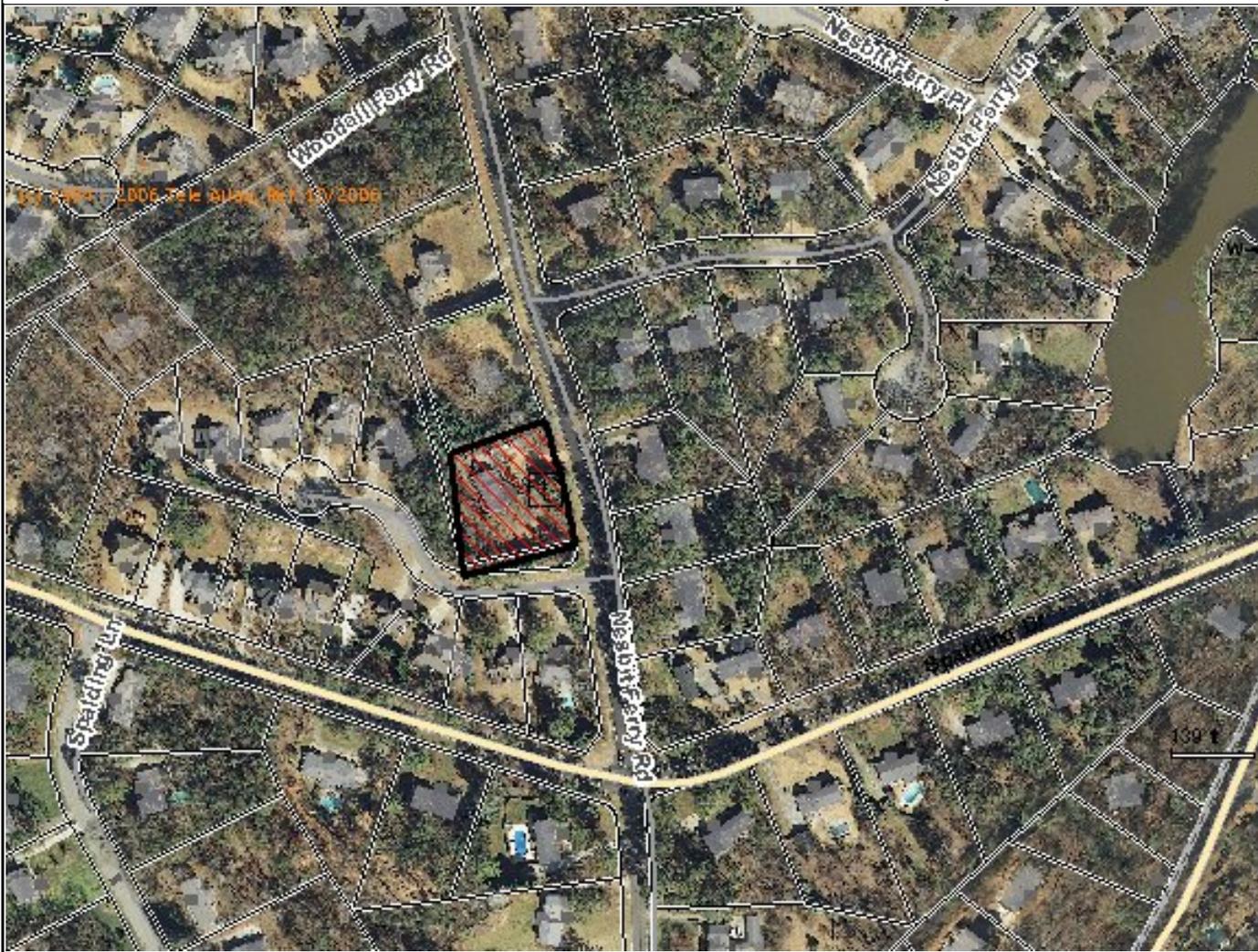
PROPERTY AND EX. R/W LINE	STORM LINE	=====
REGULATED R/W LINE	TELEPHONE LINE	-----T-----
CONSTRUCTION LIMITS	CG POWER LINE	-----Z-----
POWERMEN EASEMENT FOR MAINTENANCE	WATER LINE	-----P-----
TEMPORARY EASEMENT FOR CONSTRUCTION	FIBER OPTIC LINE	-----V-----
EASEMENT FOR CONSTRUCTION OF DRIVEWAYS	GAS LINE	-----F3-----
	SEWERS LINE	-----S-----
	LIGHTING CONDUIT	-----L-----



SEI
SOUTHEASTERN ENGINEERING, INC.
2410 Sandy Plains Road, Marietta, Georgia 30066
Tel: 770-321-1555 Fax: 770-321-1933

REVISION DATES		CITY OF SANDY SPRINGS PUBLIC WORKS DEPARTMENT	
07-26-11	SHEET ROW LOT 1 & 2 OWNER URGENT	OFFICE: PUBLIC WORKS	DATE: 07/06/11
08-16-11	FINAL LAYOUT, CREATE DATE POINTS, LEGALS	RIGHT OF WAY MAP	
		SIDEWALK IMPROVEMENTS NESBIT FERRY ROAD	
			SHEET NO. 13-0

7660 Nesbit Ferry ROW Donation



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

1 06 0312 LL029

Map Printed On {2011-08-30 13:48}

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.



