



To: Honorable Mayor and Members of City Council

From: Wendell K. Willard, City Attorney

Date: May 10, 2011, for submission onto the May 17 City Council Consent Agenda

Agenda Item: Proposed resolution regarding acquisition by the City of Sandy Springs ("City") of certain properties for a central government complex

City Attorney's Recommendation:

The City Attorney's Office recommends that the City Council consider the attached resolution and, if deemed appropriate, that it be approved.

Background and Discussion:

The City has located and identified certain properties within the boundaries of Roswell Road, Johnson Ferry Road, Sandy Springs Circle and Mt. Vernon Highway for the purpose of locating and operating a central government complex. The properties so located ("Property") are itemized in the attached resolution. The City desires to proceed in making every reasonable effort to acquire the Property by negotiation with and purchase from the Property owners, in accordance with the values established by qualified appraisals. The attached resolution authorizes the City Manager and City Attorney to take all actions deemed necessary to complete acquisition of the Property by December 31, 2011.

Alternatives:

Not to go forward with the purchase of the Property.

Attachment:

Proposed Resolution

A RESOLUTION TO AUTHORIZE AND DIRECT THE ACQUISITION BY THE CITY OF SANDY SPRINGS OF CERTAIN PROPERTIES FOR THE DEVELOPMENT OF A CENTRAL GOVERNMENT COMPLEX AND TO TAKE ANY AND ALL ACTION REQUIRED TO BE TAKEN TO EFFECTUATE THE ACQUISITION BY THE CITY OF SANDY SPRINGS OF THE PROPERTIES.

WHEREAS, the City of Sandy Springs (“City”) has a need for premises sufficient to its requirements in which to locate and operate a centrally located government complex for the purpose of housing and consolidating its administrative offices, municipal courts, police department, and other governmental offices (“Central Government Complex”); and

WHEREAS, property has been located and identified which is suitable for the City’s need to develop said Central Government Complex; and

WHEREAS, the located and identified property consists of all those individual properties contained within the boundaries of Roswell Road, Johnson Ferry Road, Sandy Springs Circle and Mt. Vernon Highway in Sandy Springs (“Property”) including, without limitation, the following parcels:

Tract 21 – (17-0089-004-021), Mt. Vernon Highway vacant lot located behind 245 Johnson Ferry Road;

Tract 22 – (17-0089-004-022-8), Mt. Vernon Highway vacant lot located behind 245 Johnson Ferry Road;

Tract 26 – (17-0089-004-026-9), 6214 Roswell Road property generally known as Psycho Tattoo;

Tract 27 – (17-0089-004-027-7), 6224 Roswell Road property generally known as Makara’s Sandwich Shop;

Tract 30 – (17-0089-004-030-1), 6218 Roswell Road property generally known as Mellow Mushroom;

Tract 31 – (17-0089-004-031-9), 6296 Roswell Road property generally known as Master Kleen Drycleaners;

Tract 32 – (17-0089-004-032), 6204 Roswell Road property formerly known as Color Tile;

Tract 33 – (17-0089-004-033), 6204 Roswell Road property formerly known as Color Tile;

Tract 109 – (17-0089-LL-109-8), 163 Johnson Ferry Road property generally known as Fidelity National Bank;

Tract 111 – (17-0089-LL-111-4), 237 Johnson Ferry Road property generally known as Goodwill Store;

Tract 114 – (17-0089-LL-114-8), 245 Johnson Ferry Road property generally known as Sherwin Williams;

Tract 115 – (17-0089-LL-115-5), 226 Mount Vernon Highway property generally known as Waffle House; and

WHEREAS, in or about 2008, the City purchased and is the current owner of that certain lot, tract or parcel of land located in Land Lot numbered 89 of the 17th District, Fulton County, Georgia, together with all buildings and improvements located thereon, which property is generally known as the Target Property and is included within the aforementioned boundaries containing the Property; and

WHEREAS, the City desires to acquire the Property described herein for the purpose of developing a Central Government Complex; and

WHEREAS, the City of Sandy Springs Mayor and Council (“Mayor and Council”) find that the acquisition of the herein-described Property and development of a Central Government Complex will result in substantial public benefits; and

WHEREAS, the Mayor and Council find that the City’s efforts to develop said Central Government Complex is best served by acquiring all such Property on or before December 31, 2011.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby direct the City Manager and City Attorney to proceed with making every reasonable effort to acquire expeditiously the Property by negotiation and purchase with the Property owners and others with a vested interest in the Property, pursuant to values of the Property as established by qualified appraisal.

BE IT FURTHER RESOLVED, that the Mayor and Council direct the City Manager and City Attorney to complete acquisition of all said Property by December 31, 2011.

BE IT FURTHER RESOLVED, that the Mayor and Council hereby direct the City Manager and City Attorney to engage the professional services of a qualified environmental engineering firm (“Engineering Firm”) to conduct environmental investigations, inspections, testing and studies (“Environmental Investigations”) of the Property and all buildings and improvements located thereon which, in the professional judgment of the Engineering Firm, may include or involve: subsurface test borings to determine the presence of adverse or hazardous environmental conditions and/or contaminants; inspections in or around any structures on the Property to determine the presence of lead paint, asbestos and/or other conditions or contaminants; and any additional Environmental Investigations as needed in the discretion of the Engineering Firm as approved by the City.

BE IT FURTHER RESOLVED, that the Mayor and Council hereby direct the City Manager and City Attorney to require that the Engineering Firm provide insurance coverage in

sufficient amount to cover potential property damage incurred as a result of conducting said Environmental Investigations.

BE IT FURTHER RESOLVED, that the Mayor and Council hereby direct the City Manager and City Attorney to take any and all action necessary to obtain the consent of the Property owners and their respective tenants, or seek direction from a court of competent jurisdiction, to allow the City and its agents access to the Property for the purpose of conducting the Environmental Investigations.

BE IT FURTHER RESOLVED, that the Mayor and Council hereby direct the City Manager and City Attorney to share the information obtained as a result of the Environmental Investigations, relative to each parcel of the Property, with the Property owner affected.

BE IT FURTHER RESOLVED, that the Mayor and Council hereby direct the City Manager and City Attorney to take any and all actions deemed necessary to effectuate the intentions and purposes of this Resolution.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to forward a copy of this Resolution to the individual Property owners, their respective tenants, or their respective counsel.

BE IT FURTHER RESOLVED, that this Resolution shall become effective upon its adoption, and that all resolutions and parts of resolutions in conflict with this Resolution are hereby repealed to the extent of the conflict.

SO PASSED AND ADOPTED, this ____ day of May, 2011.

Eva Galambos, Mayor

ATTEST:

Michael Casey, City Clerk

APPROVED AS TO FORM:

Wendell K. Willard, City Attorney