





TO: John McDonough, City Manager

FROM: Tom Black, Public Works Director

DATE: April 19, 2011, for Submission onto Agenda of the May 3, 2011 City Council Meeting

ITEM: Approval of a Right-of-Way Acquisition Contract for the Roswell Road Streetscape, Project, Johnson Ferry to Abernathy Road, (T-0012), subject to Financial and Legal Review and Approval

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***Recommendation:***

Public Works staff is recommending that Council approve execution of a Right of Way Acquisition Agreement between the Mayor and the Georgia Department of Transportation (GDOT) on Roswell Road Streetscapes, Johnson Ferry to Abernathy Road, CSTEE-0002-00(310), PI 0002310, CIP Project T-0012.

***Background:***

Council allocated \$290,000 in Fiscal Year 2007 for this project. The project was put on hold due to right-of-way acquisition costs. The scope would include the City's Main Street District Overlay standard (2' wide brick paver strip with 9' wide sidewalk with brick pavers and pedestrian lighting) as well as the Suburban Overlay standard (3' wide grass strip with 6' wide sidewalk). The cost estimate for right-of-way land and improvements is \$2,816,834.42 based on a cost estimate from April 2011. The final cost will be determined by full appraisals. The federal funding offered (ARC/GDOT \$2,160,000 L230) requires a 20% match of \$540,000. This agreement is required because of the \$100,000 in Transportation Enhancement (TE) grant funds associated with this project. Another agreement will likely be forward for this project due to the federal funding for construction as well. Three copies of the fully executed agreement will be required for GDOT processing.

***Discussion:***

Funds were reallocated from other projects following Council action in November 2010. As a result, additional funding was made available to cover the right of way acquisition costs for this project. This agreement can be signed now to hold the federal funds and the match could be funded now (if funds are available) or considered for funding in FY2012. If the agreement is approved we could move forward to be ready to begin acquisition as funding is available.

***Alternatives:***

The city can leave the project on hold and turn down the Federal funds.

***Financial Impact:***

A 20% match is required to move forward with the project. The current cost estimate for right-of-way land and improvements is \$2,816,834.42; therefore, the City's match is \$540,000 for this funding.

***Attachments:***

- I. Resolution
- II. ROW Agreement
- III. Real Property Agreement (3 signed copies required)

STATE OF GEORGIA  
COUNTY OF FULTON

**A RESOLUTION TO APPROVE A RIGHT OF WAY ACQUISITION CONTRACT WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION TO ALLOW PUBLIC WORKS STAFF TO ENGAGE IN ACQUISITION ACTIVITIES FOR CIP PROJECT T-0012, ROSWELL ROAD STREETSCAPES, JOHNSON FERRY ROAD TO ABERNATHY ROAD**

**WHEREAS**, it is necessary, from time to time, to establish policies, procedures and guidelines addressing 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,

**WHEREAS**, upon adoption of this Resolution, City Sandy Springs Public Works Department staff will manage all applicable phases of the project.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SANDY SPRINGS, GEORGIA**

That they hereby approve the right of way contract with the Georgia Department of Transportation in order to allow Public Works staff to execute right of way acquisition activities for the referenced project.

**RESOLVED** this the 3<sup>rd</sup> day of May, 2011.

Approved:

\_\_\_\_\_  
Eva Galambos, Mayor

Attest:

\_\_\_\_\_  
Michael Casey, City Clerk  
(Seal)

**REAL PROPERTY AGREEMENT**

**STATE OF GEORGIA**

**CITY/COUNTY OF** \_\_\_\_\_

**THIS AGREEMENT**, made and entered into on this the \_\_\_\_\_ day of \_\_\_\_\_, by and between the **GEORGIA DEPARTMENT OF TRANSPORTATION**, and \_\_\_\_\_ **CITY/COUNTY, GEORGIA**, a political subdivision of the State of Georgia.

**WITNESSETH:**

**WHEREAS**, the Department is authorized to receive federal funding for Transportation Enhancement Activities for Georgia pursuant to provisions of 23 U.S.C. Section 139(b)(8); and,

**WHEREAS**, \_\_\_\_\_ City/County, Georgia, has represented to the Department that it has the authority to receive and expend federal funds for the purpose of the project, is qualified to provide its services necessary for the implementation of the project, and the Department has relied upon such representation;

**NOW, THEREFORE**, it being duly considered and in recognition of the value and benefits accruing to the Local Government from said proposed Transportation Enhancement Project funding does promise and covenant as herein made; it agrees that:

**ARTICLE I**

Project: \_\_\_\_\_

P. I. Number: \_\_\_\_\_

Description of Real Estate:

**ARTICLE II**

\_\_\_\_\_ City/County, Georgia, acknowledges that federal funds are being used to purchase the property designated in Article I, and, if this property ever changes ownership, the local government will reimburse the Georgia Department of Transportation the Fair Market Value of the property based on the Project's actual share ratio.

\_\_\_\_\_ City/County, Georgia, acknowledges that federal funds are NOT being used to purchase the property designated in Article I, but if acquisition is needed, it will be acquired in accordance with Public Law 91-646, the Uniform Relocation Assistance and Real Properties Policies Act of 1970, as amended, and the rules and regulations of the FHWA including, but not limited to, Title 23, United States Code; 23 CFR 710, et. seq., and 49 CFR Part 24, and the rules and regulations of the Department. This work shall be coordinated with the Georgia Department of Transportation Office of Right of Way.

**ARTICLE III**

It is further agreed that this agreement will be referenced in the warranty deed for the above referenced property.

**IN WITNESS WHEREOF**, the said parties have hereunto set their hands and affixed their seals, on this day and year first above written.

\_\_\_\_\_ **CITY/COUNTY, GEORGIA (SEAL)**

BY: \_\_\_\_\_

MAYOR, \_\_\_\_\_ CITY COUNCIL  
CHAIRMAN, \_\_\_\_\_ COUNTY BOARD OF COMMISSIONERS

(AFFIX CITY/COUNTY  
SEAL HERE)

ATTEST: \_\_\_\_\_  
ITS CLERK

(AFFIX NOTARY SEAL HERE) \_\_\_\_\_

**GEORGIA DEPARTMENT OF TRANSPORTATION (SEAL)**

BY: \_\_\_\_\_

ITS: \_\_\_\_\_

(AFFIX NOTARY SEAL HERE)