



CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council

DATE: March 22, 2011

FROM: John McDonough, City Manager

AGENDA ITEM: Acceptance of Warranty Deed for property located at 6670 Wright Road as an addition to the Abernathy Road Linear Park

MEETING DATE: For Submission onto the April 5, 2011, City Council Regular Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Resolution
Maps
Deed

APPROVAL BY CITY MANAGER: JTM APPROVED

_____ NOT APPROVED

PLACED ON AGENDA FOR: 4/5/2011

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: [Signature]

REMARKS:



TO: John McDonough, City Manager

FROM: Thomas Black, Public Works Director

DATE: March 22, 2011 for Submission onto the Consent Agenda of the April 5, 2011, City Council Meeting

ITEM: Acceptance of Warranty Deed for property located at 6670 Wright Road as an addition to the Abernathy Road Linear Park.

Public Works Department's Recommendation:

Public Works Staff recommends that the Mayor and City Council acceptance of the Warranty Deed for property located in Land Lot 87 of the 17th District, and known as 6670 Wright Road at Fair Market Value of \$298,600.00. The property will be used as an extension of the park.

Background:

The intersection of Wright Road and Abernathy Road is the main entrance to the Abernathy Park from the Roswell Road direction. The master plan for this area calls for a signature park feature in this area. Without the acceptance of the additional property provided by 6670 Wright Road, the park will be restricted in depth from Abernathy Road and this will not allow the planned features. Additionally, this will provide a new driveway to the property owner at 166 Abernathy Road, which currently has planned access through the City property in the restricted area. This action will allow the movement of his driveway to the 6670 Wright Road location. The 6670 Wright Road property was obtained from Jeanette R. Harris, Peggy Feldman and Ronnie Shams.

Discussion:

The Public Works Department is seeking the City Council's consideration and acceptance of the Warranty Deed transferring the property to the City of Sandy Springs. The City has obtained an independent appraisal of fair market value which supports the purchase price stated in the agreement. If the Council approves, the Public Works Department, working in conjunction with the City Attorney's office, shall move forward with the recording of the Warranty Deed.

Alternatives:

The Council could not accept this purchase and limit the size of the entrance to the park area.

*Public
Works*

Financial Impact:

The Abernathy Park Project (T/P -0002) is operating within the approved budget.

Attachment:

- I. Resolution
- II. Aerial Location Maps
- III. GIS Location Maps
- IV. Warranty Deed

STATE OF GEORGIA
COUNTY OF FULTON

A RESOLUTION TO APPROVE THE PURCHASE OF PROPERTY LOCATED AT 6670 WRIGHT ROAD IN LAND LOTS 87, 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 accept the Warranty Deed of the following property: 6670 Wright Road, Sandy Springs, Georgia in Land Lot 87 of the 17th District.

RESOLVED this the 5th day of April, 2011.

Approved:

Eva Galambos, Mayor

Attest:

Michael Casey, City Clerk
(Seal)





PLEASE RETURN TO:
City Clerk's Office
Sandy Springs City Hall
7840 Roswell Road Bldg 500
Sandy Springs, Georgia 30350

Return to:
Riley McLendon
315 Washington Ave.
Marietta, GA 30060

WARRANTY DEED

STATE OF GEORGIA
County of FULTON

THIS INDENTURE, Made this 29TH day of December 2010 between **Peggy Feldman and Bonnie Shams** of the first part, hereinafter called Grantor and **City of Sandy Springs, A Municipal Corporation**, of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor for and in consideration of the sum of **TEN DOLLARS (\$10.00)** and other valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted bargained, sold, alienated, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

All that tract or parcel of land lying and being in Land Lot 87, 17th District Fulton County, Georgia, being Lot 2, Block B, G.E. Coleman 7 Son, Inc., as per Pat recorded at Plat Book 65, Page 4, Fulton County Records, which plat is incorporated herein and made a part hereof by reference. Said property being improved property now or formerly known as 6670 Wright Road, according to the present system of number houses in Fulton County, Georgia.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto said Grantee against the claims of all persons whomsoever.

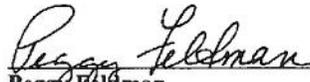
IN WITNESS WHEREOF, the said Grantor has signed and sealed this deed, the day and year above written.

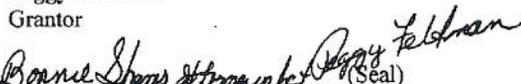
Signed, sealed and delivered in the presence of:


Unofficial Witness


Notary Public




Peggy Feldman (Seal)
Peggy Feldman
Grantor


Bonnie Shams (Seal)
Bonnie Shams
Grantor

Exhibit

POWER OF ATTORNEY

TO WHOM IT MAY CONCERN:

I, BONNIE H. SHAMS, whose address is 1509 Druid Isle Rd., Maitland, Florida 32751, hereby appoint PEGGY FELDMAN, whose address is 10702 Glenleigh Rd., Duluth, Georgia 30097, as my attorney-in-fact and agent effective as of December 17, 2010, to act in my name and representation in all matters pertaining to the sale to the City of Sandy Springs, Georgia, and closing, of the property located at 6670 Wright Road, Sandy Springs, Georgia, legally described as:

All that tract or parcel of land lying and being in Land Lot 87, 17th District, Fulton County, Georgia, being Lot 2, Block B. G.E. Coleman & Son, Inc., as per plat recorded in Plat Book 65, Page 4, Fulton County records, which plat is incorporated herein and made part of by reference. Said property being improved property known as 6670 Wright Road, according to the present system of numbering houses in Fulton County, Georgia,

including, without limitation, the execution of the deed of conveyance, closing statement, and all other documents and receipt of net proceeds from the sale.

This Power of Attorney shall continue to be valid through, and subject to, the date of closing.

Barbara J. Lambert

Witness
Barbara J. Lambert

Print Name

Bonnie H. Shams

Bonnie H. Shams
Grantor

Celeste Black

Witness
Celeste Black

Print Name

6670 Wright Road, Sandy Springs, GA
Power of Attorney
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STATE OF FLORIDA
COUNTY OF ORANGE

I hereby certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared **Bonnie H. Shams** who acknowledged before me that she executed same. Said person is personally known to me.

Witness my hand and official seal in the County and State last aforesaid this 15th day of December, 2010.

NOTARY PUBLIC-STATE OF FLORIDA
 Barbara J. Lambert
Commission #DD963019
Expires: FEB. 18, 2014
BONDED THRU ATLANTIC BONDING CO., INC.

Barbara J. Lambert
Notary Public
Print Name: Barbara J. Lambert
My Commission Expires: