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**CITY COUNCIL AGENDA ITEM**

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**TO:** Mayor & City Council                      **DATE:** March 22, 2011

**FROM:** John McDonough, City Manager

**AGENDA ITEM:** Approval of the Acceptance of the Donation of the Right-of-Way as part of zoning requirements

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

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**BACKGROUND INFORMATION:** (Attach additional pages if necessary)

See attached:

Memorandum  
Resolution  
Maps  
Exhibits

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**APPROVAL BY CITY MANAGER:**   JMM   APPROVED

\_\_\_\_\_ NOT APPROVED

**PLACED ON AGENDA FOR:**   4/5/2011  

**CITY ATTORNEY APPROVAL REQUIRED:** (  ) YES      (  ) NO

**CITY ATTORNEY APPROVAL:**   JMM  

**REMARKS:**



TO: John McDonough, City Manager

FROM: Thomas Black, Public Works Director

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

ITEM: Consideration of Approval of the Acceptance of the Donation of the Right-of-Way as part of zoning requirements.

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***Public Works Department's Recommendation:***

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

- Tract or parcel of land lying and located in Land Lot 20 of the 17<sup>th</sup> District, Fulton County, Georgia. The property as shown in the attached exhibit is being donated by Kadampa Meditation Center of New York of 6680 Peachtree Dunwoody Road. The donated right of way totals 3,701 Square Feet and is being donated 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
- III. Aerial Map
- IV. GIS Map

*Public  
Works*

STATE OF GEORGIA  
COUNTY OF FULTON

**A RESOLUTION TO ACCEPT THE DONATION OF THE RIGHT-OF-WAY ON PROPERTY  
LOCATED IN LAND LOTS 20 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 the acceptance of the donations of the right-of-Way as part of the zoning requirements for the following properties: Kadampa Meditation Center New York, 6680 Peachtree Dunwoody Road, Land Lot 20, 17<sup>th</sup> District.

As required per conditions of zoning and or land development regulation ordinance, the City authorizes the requested 3,701 Square Feet of Right-of-Way located in land lot 20 of the 17<sup>th</sup> District, City of Sandy Springs, Fulton County, Georgia.

**RESOLVED** this the 5<sup>th</sup> day of April, 2011

Approved:

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

Attest:

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



SUFFOLK FOREST

LAKE RIDGE 400

HUNTERS BRANCH

HUNTERS CROSSING

PEACHTREE CROSSING

GLEN MEADOW TOWNHOMES

DUNWOODY BRANCHES

THE MEADOWS, THE

THE OAKS OF DUNWOODY CONDO

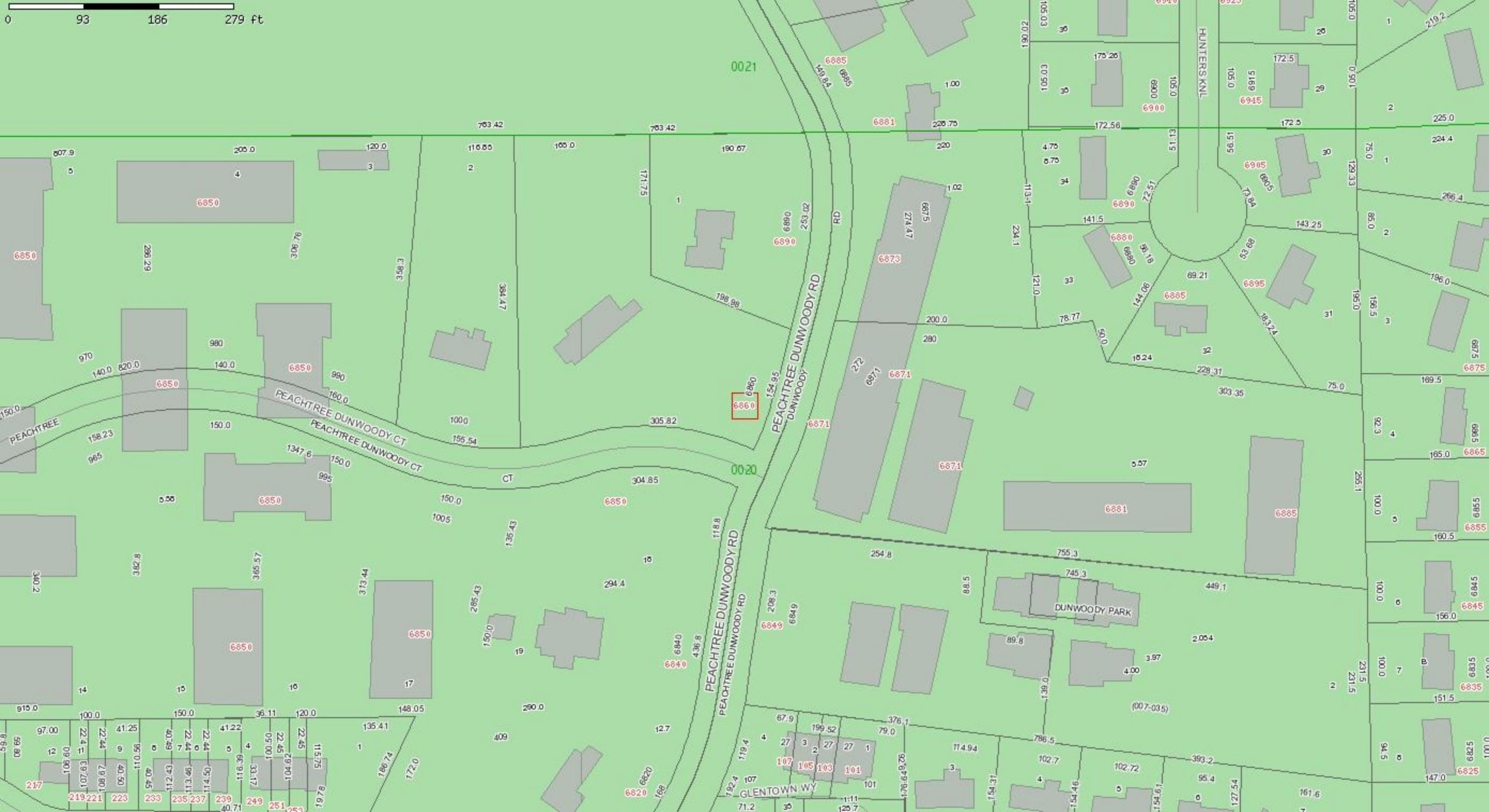
DRAYTON HALL

GLEN COURT

PRESTON WOODS ST

7065 370 740 1110 ft

GA400NB  
GA400SB



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**Georgia, Fulton County**

**Right of Way Deed**

This Indenture, made this 3<sup>rd</sup> day of August, 2010, between Kadampa Meditation Center New York, as Grantor, and the **City of Sandy Springs**, a municipal corporation of the State of Georgia, as Grantee.

Witnesseth:

That for and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration in hand paid, the receipt whereof is hereby acknowledged, Grantor does grant and convey unto Grantee, its successors and assigns, the following property, to wit:

All that tract or parcel of land lying and being in Land Lot 20 of the 17<sup>th</sup> District of Fulton County, Georgia, and being more particularly described in Exhibit "A" attached hereto and shown on the Plat attached as Exhibit "B".

It is the intent of the parties that the City of Sandy Springs shall have a total Right of Way of 3,701 square feet for the purpose of (road improvements) (sidewalk and street improvements).

To have and to hold the bargained premises unto Grantee, its successors and assigns forever in fee simple.

Grantor(s) will forever warrant and defend the title to the bargained premises unto Grantee, its successors and assigns against the claims of all persons whomsoever.

In witness whereof Grantor has here unto caused this deed to be executed and its seal affixed hereto the day and year above written.

Kalyn Fen  
Unofficial Witness

Sherrie Campbell  
Notary Public

(Seal)



Name of Corporation or Limited Liability Co:  
Kadampa Meditation Center New York

By: [Signature] (Seal)  
Print Name: Mayra Cuevas  
Title: Administrative Director

Attest:

\_\_\_\_\_  
(Seal)  
Print Name:  
Title:

(Corporate Seal)

EXHIBIT 'A'

Right of Way Dedication Land Description

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 20 of the 17th District, Fulton County, Georgia and being more particularly described as follows:

BEGINNING at an iron pin placed at the intersection of the northerly margin of the right-of-way of Peachtree Dunwoody Court (50 foot right-of-way) and the westerly margin of the right-of-way of Peachtree Dunwoody Road(right-of-way varies), Said point being the TRUE POINT OF BEGINNING; thence proceed along the northerly right-of-way of Peachtree Dunwoody Court North 59 degrees 18 minutes 08 seconds West for a distance of 1.52 feet to a point, thence continuing along said right-of-way along a curve to the left having a radius of 229.63 feet and an arc length of 165.45 feet, said arc being subtended by a chord with a bearing of North 79 degrees 56 minutes 37 seconds West and a length of 161.90 feet, to a point; thence South 79 degrees 24 minutes 54 seconds West for a distance of 132.20 feet to a point; thence continuing along a curve to the left having a radius of 247.84 feet and an arc length of 6.80 feet, said arc being subtended by a chord with a bearing of South 80 degrees 12 minutes 03 seconds West and a length of 6.80 feet, to an iron pin found; thence leaving said right-of-way of Peachtree Dunwoody Court proceed North 02 degrees 00 minutes 00 seconds West for a distance of 5.04 feet to a point; thence continuing along a curve to the right having a radius of 242.84 feet and an arc length of 6.05 feet, said arc being subtended by a chord with a bearing of North 80 degrees 07 minutes 42 seconds East for a distance of 6.05 feet, to a point; thence North 79 degrees 24 minutes 54 seconds East for a distance of 132.20 feet to a point; thence continuing along a curve to the right having a radius of 234.63 feet and an arc length of 129.94 feet, said arc being subtended by a chord with a bearing of South 84 degrees 43 minutes 10 seconds East for a distance of 128.29 feet, to a point; thence North 63 degrees 54 minutes 03 seconds East for a distance of 29.37 feet, to a point; thence North 16 degrees 39 minutes 20 seconds East for a distance of 22.44 feet to a point; thence North 14 degrees 40 minutes 51 seconds East for a distance of 55.48 feet to a point; thence North 13 degrees 42 minutes 56 seconds East for a distance of 46.33 feet to a point; thence South 67 degrees 48 minutes 00 seconds East for a distance of 11.04 feet to an iron pin placed; said iron pin being on the westerly right-of-way line of Peachtree Dunwoody Road; thence continuing along said right-of-way line South 12 degrees 45 minutes 00 seconds West for a distance of 154.90 feet to an iron pin placed; said iron pin being the TRUE POINT OF BEGINNING.

Said right of way dedication contains 3,701 square feet (0.08 acres) More or less.

EXHIBIT 'B'

**LEGEND**

IPF	IRON PIN FOUND	CMF	CONCRETE MONUMENT FOUND
OT	OPEN TOP PIN	OHUL	OVERHEAD UTILITY LINE(S)
CT	CRIMP TOP PIN	SMH	SEWER MAN HOLE
RB	REINFORCING BAR	MHT	MAN HOLE TELEPHONE
CL	CENTERLINE	CB	CATCH BASIN
R/W	RIGHT-OF-WAY	JB	JUNCTION BOX
L	LAND LOT	DI	DROP INLET
LL	LINE	LLL	LAND LOT LINE
R	RADIUS	HW	HEAD WALL
CO	CONCRETE	CMF	CORRUGATED METAL PIPE
CO	CURVE	RCP	REINFORCED CONCRETE PIPE
CO	CLEAR OUT	CD	CROSS DRAIN
PP	POWER POLE	SSE	SANITARY SEWER EASEMENT
SP	SERVICE POLE	DE	DRAINAGE EASEMENT
DV	GAS VALVE	FH	FIRE HYDRANT
GM	GAS METER	WV	WATER VALVE
LP	LIGHT POLE	WM	WATER METER
SS	SANITARY SEWER	PC	POINT OF CURVE
N&C	NAIL & CAP	POB	POINT OF BEGINNING
FC	FENCE CORNER	POC	POINT OF COMMENCEMENT
-X-X-	FENCE	PI	POINT OF INTERSECTION
M	MEASURED	D	DEED
P	PLAT	IPP	IRON PIN PLACED (1/2" REBAR)

**GENERAL NOTES**

1. INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER, AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED BY THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS, HIS CONTRACTORS, AND/OR HIS AGENTS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION SHOWN HEREON AS TO SUCH UNDERGROUND INFORMATION.
2. RIGHT-OF-WAYS ARE BASED ON CENTERLINES OF EXISTING PATHS OF TRAVEL, UNLESS NOTED OTHERWISE.
3. ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED.
4. NO VISIBLE EVIDENCE OF A CEMETERY FOUND.
5. BEARINGS BASED ON MAGNETIC NORTH OBSERVATIONS AS NOTED IN PLAT BOOK 81 - PAGE 6.
6. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT POLICY; THEREFORE EXCEPTION IS MADE HEREIN TO ANY EASEMENTS, RESERVATIONS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD WHICH MAY EXIST.
7. CONTOUR INFORMATION SHOWN HEREON BASED ON MEAN SEA LEVEL ELEVATIONS. BENCH MARK USED NGS DISC #1061.

**REVISION NOTE:**

THIS DRAWING WAS PREPARED JULY 8, 2010 PURSUANT TO THE REQUEST FROM THE CLIENT AND MADE IN ACCORDANCE WITH INSTRUCTIONS PROVIDED BY THE ENGINEER REGARDING THE DETERMINATION OF THE LIMITS OF THE AREA OF RIGHT-OF-WAY TO BE ACQUIRED. THE SURVEYOR HAS IN NO WAY REVIEWED, INTERFERED OR MADE OPINION OF THE ZONING ORDINANCE OR RESOLUTION REGARDING RIGHT-OF-WAY ACQUISITION FROM THE SUBJECT PROPERTY. THE SOLE PURPOSE OF THIS DRAWING IS TO SHOW CALCULATED LINE WORK AND THE AREA OF THE RIGHT-OF-WAY TO BE ACQUIRED. NO FIELD WORK HAS BEEN DONE SUBSEQUENT TO THE ORIGINAL SURVEY DATE SHOWN HEREON. THIS DRAWING SHOULD IN NO WAY BE CONSIDERED A RE-CERTIFICATION OF THE ORIGINAL BOUNDARY WORK. SOME NOTATIONS FROM THE ORIGINAL PLAT OF SURVEY HAVE BEEN REMOVED TO ADD CLARITY TO THE AREA OF RIGHT-OF-WAY TO BE ACQUIRED.

**FLOOD STATEMENT**

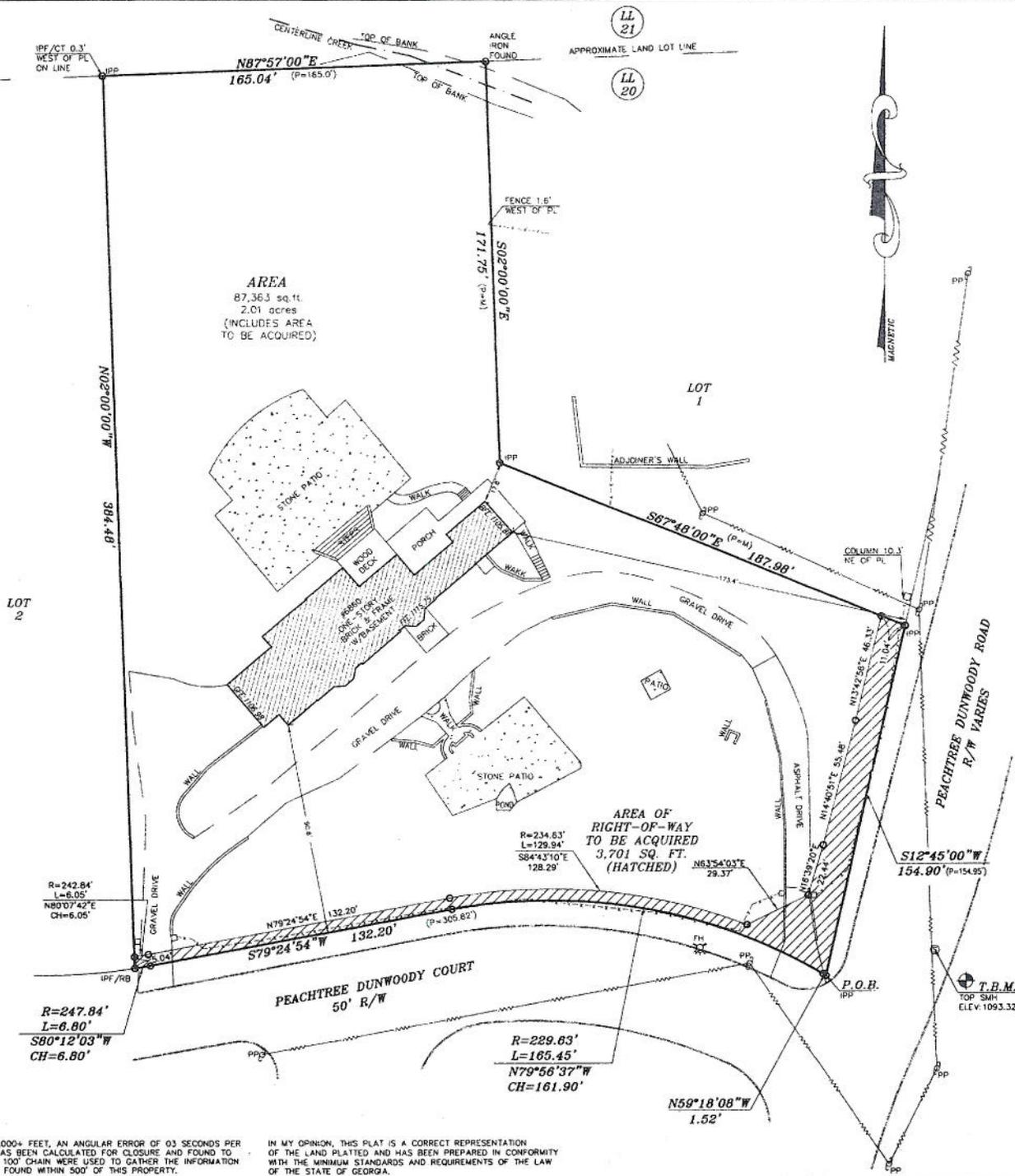
BY GRAPHICALLY PLOTTING ONLY, THE SUBJECT PROPERTY DOES NOT FALL WITHIN A 100 YEAR FEDERALLY DESIGNATED FLOOD HAZARD AREA. THE SUBJECT PROPERTY FALLS IN ZONE "X" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 1312100133E - EFFECTIVE DATE OF JUNE 22, 1998. ZONE "X" AS DESCRIBED BY SAID MAP BEING "AREAS DETERMINED TO BE OUTSIDE THE 500 YEAR FLOOD PLAIN".

**GRAPHIC SCALE**



THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 15,000+ FEET, AN ANGULAR ERROR OF 03 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 100,000+ FEET. AN ELECTRONIC TOTAL STATION AND A 100 CHAIN WERE USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAT. NO STATE PLANE COORDINATE MONUMENT FOUND WITHIN 500' OF THIS PROPERTY.

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW OF THE STATE OF GEORGIA.



**SOLAR LAND SURVEYING COMPANY**  
 P.O. BOX 723993 ATLANTA, GEORGIA 31139-0993  
 TELEPHONE (770) 794-9055 FAX (770) 794-9052

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSONAL AND PRIVATE BUSINESS OF THE ABOVE NAMED PERSONS, OR ANY OF THEM, AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT EXPRESS WRITTEN PERMISSION OF THE SURVEYOR MAKING SAID PERSON. PERSONS OF FAITH.

ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED

DATE	10/05/09	SCALE	1" = 30'
REVISION			
BY		DATE	
SEE REVISIONS LOCATED BEHIND THE		BY	
REVISIONS TO BE MADE TO THIS PLAT		DATE	
BEFORE THE NEXT PLAT IS MADE		BY	
PLAT BOOK 81 - PAGE 6		DATE	
DEED BOOK		BY	
		DATE	

PROPERTY OWNER: **MAYRA CUEVAS**  
 KADAMPA MEDITATION CENTER NY

LAND LOT: 20  
 SECTION: 17E  
 DISTRICT: 17E

LOT EXCLUDED PARCEL: **PEACHTREE DUNWOODY HEIGHTS**

SUBDIVISION: **PEACHTREE DUNWOODY ROAD**  
 R/W VARIES

PLATTED: [ ]  
 DISC # [ ]

APPROVED: [ ]

PLAT BOOK 81 - PAGE 6  
 DEED BOOK [ ] - PAGE [ ]

NO. 2109  
**JOHN W. STANZILLIS, JR.**  
 LAND SURVEYOR

REG. 208 NO. 09-2075 & 09-2968  
 JOB # 10-2754