SANDY SPRINGS
GEORGIA

CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council **DATE:** February 3, 2011

FROM: John McDonough, City Manager

AGENDA ITEM: Consideration of Approval of the Acceptance of the Donations of the Right-of-Way as part of the zoning requirements (Nickerson)

MEETING DATE: For Submission onto the February 15, 2011, City Council Regular Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Resolution
Exhibits

APPROVAL BY CITY MANAGER: JM *APPROVED*

_____ *NOT APPROVED*

PLACED ON AGENDA FOR: 2/15/11

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

CITY ATTORNEY APPROVAL: _____

REMARKS:

TO: John McDonough, City Manager

FROM: Thomas Black, Public Works Director

DATE: February 2, 2011, for Submission onto the Consent Agenda of the February 15, 2011 City Council Meeting

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

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 121 of the 17th District, Fulton County, Georgia. The property as shown in the attached exhibit is being donated by the property owners, William W. Nickerson and Virginia W. Nickerson. The donated right of way totals 0.16 acres 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
- Aerial Map
- GIS Map
- Right of Way Deed
- Plat
- Legal Description

Public Works

RESOLUTION NO. _____

STATE OF GEORGIA
COUNTY OF FULTON

A RESOLUTION TO ACCEPT THE DONATION OF THE RIGHT-OF-WAY ON PROPERTY LOCATED IN LAND LOTS 121OF 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 donation of the right-of-Way as required by the Development Ordinance, for William W. Nickerson and Virginia Nickerson at 5178 Lake Forrest Drive, Sandy Springs, Georgia.

As required per conditions of zoning and or land development regulation ordinance, the City authorizes the requested 0.16acres of Right-of-Way located in land lots 121, of the 17th District, City of Sandy Springs, Fulton County, Georgia.

RESOLVED this the 15 day of February 2011.

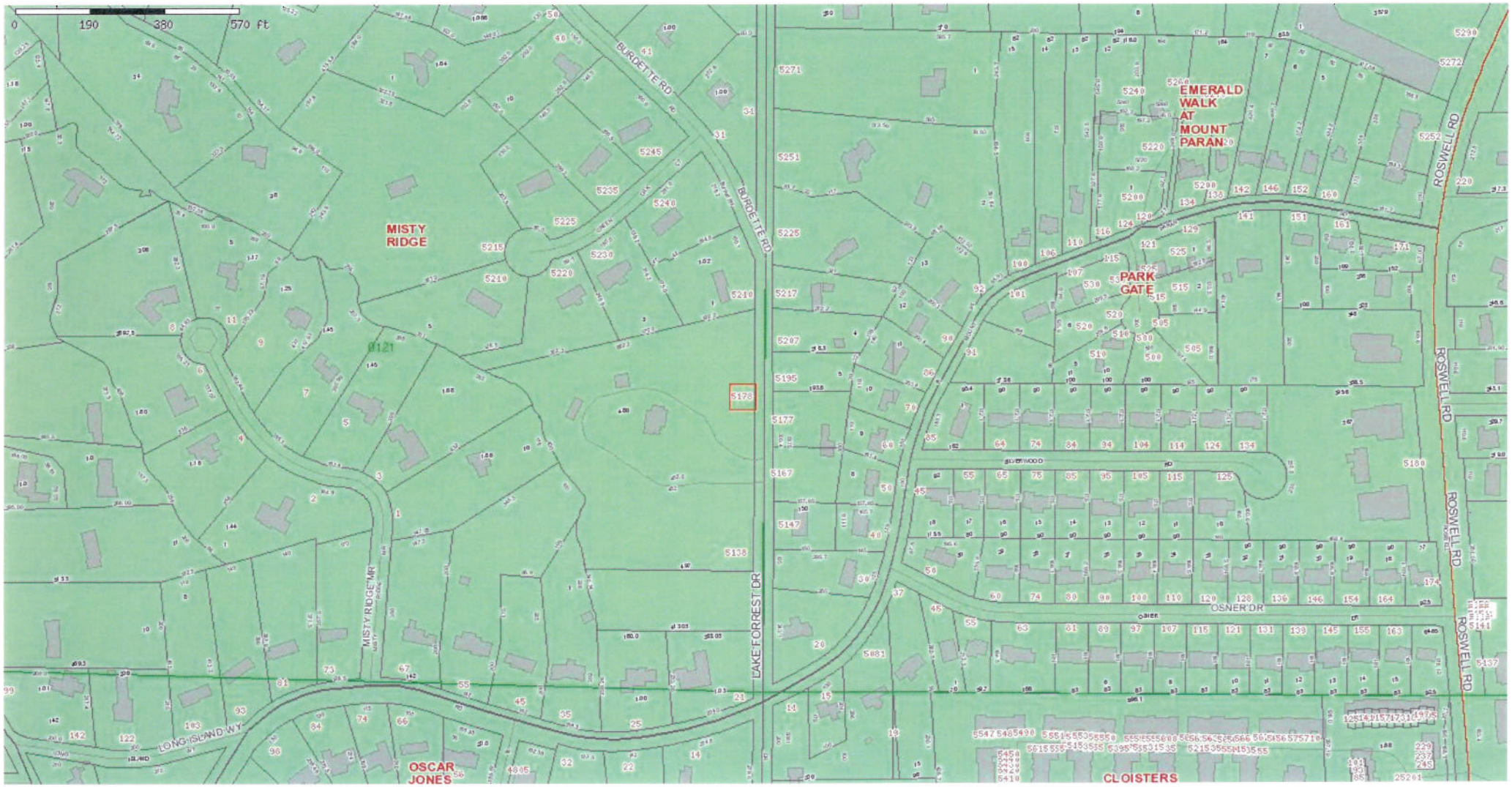
Approved:

_____
Eva Galambos, Mayor

Attest:

_____
Michael Casey, City Clerk
(Seal)

0
190
380
570 Ft
MISTY RIDGE
EMERALD WALK AT MOUNT PARAN
PARK GATE
FORBES RD
LAKE FORREST DR
MISTY RIDGE MR
LONG ISLAND WY
OSCAR JONES
CLOISTERS
ROSWELL RD
TARATL


0
190
380
570 ft
MISTY RIDGE
BURDETTE RD
LAKE FORREST DR
EMERALD WALK AT MOUNT PARAN
PARK GATE
ROSWELL RD
MISTY RIDGE MR
LONG ISLAND WY
OSNER DR
OSCAR JONES
CLOISTERS

Georgia, Fulton County

Right of Way Deed

This Indenture, made this 15 day of December, 2010, between the undersigned William Nickerson Virginia Nickerson as Grantor(s), 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 121 of the 17 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 Sandy Springs, Georgia, shall have a total Right of Way width of 40' feet from existing centerline of LAKE FOREST DR ~~Road~~ with a total take of 0.116 acres ~~SQ FT~~ for the purpose of road 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(s) has (have) hereunto set his/her/their hand(s) and seal(s) the day and year above written.

Unofficial Witness

Grantor

Notary Public

Grantor

(Seal)

ALICE T. FREAR
MY COMMISSION EXPIRES
DEC. 21 2013
FULTON CO., GEORGIA
NOTARY PUBLIC

RIGHT-OF-WAY DEDICATION LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 121 OF THE 17TH DISTRICT OF FULTON COUNTY AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE WESTERN RIGHT-OF-WAY OF LAKE FORREST DRIVE (40 FOOT RIGHT-OF-WAY) AND THE NORTHERN RIGHT-OF-WAY OF MOUNT PARAN ROAD (45 FOOT RIGHT-OF-WAY) AND RUN N00°09'17'E ALONG THE RIGHT-OF-WAY A DISTANCE OF 150.00 FEET TO A ½" REBAR; THENCE LEAVING SAID RIGHT-OF-WAY AND RUNNING N87°20'33'W A DISTANCE OF 10.01 FEET TO A ½" REBAR; THENCE RUNNING N00°07'43"E A DISTANCE OF 150.15 FEET TO A ½" REBAR AND THE POINT OF BEGINNING; THENCE RUNNING N87°20'33W A DISTANCE OF 10.01 FEET; (SAID POINT BEING 40 FEET FROM THE CENTERLINE OF THE EXISTING ROAD); THENCE RUNNING N00°09'17"E A DISTANCE OF 238.13 FEET TO A POINT; THENCE CONTINUING N00°09'17"E ADISTANCE OF 456.72 FEET TO A POINT; THENCE RUNNING N77°09'41"E A DISTANCE OF 10.26 FEET; THENCE RUNNING S00°09'17"W A DISTANCE OF 697.60 FEET TO THE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 0.16 ACRES AS SHOWN ON RE-PLAT OF A PORTION OF THE J.F. BURDETT ESTATE PREPARED FOR WILLIAM AND VIRGINIA NICKERSON BY ATLANTA ENGINEERING SERVICES, INC., ELVIN L. AYCOCK, GA NUMBER 2374.

Drainage

The owner of record, on behalf of himself (itself) and all successors in interest, specifically releases the City of Sandy Springs form any and all liability and responsibility for flooding or erosion from storm drains or from flooding from high water of natural creeks, rivers or drainage features. A drainage easement is hereby established for the sole purpose of providing for the emergency protection of the free flow of surface waters along all watercourses as established by these Regulations and the Director of the Department of Public Works. Said Director may conduct emergency maintenance operations within this easement where emergency conditions exist. Emergency maintenance shall be the removal of trees and other debris, excavation, filling and the like, necessary to remedy a condition, which in the judgment of staff and Director, is potentially injurious to life, property or the public road or utility system.

Such emergency maintenance, conducted for a common good, shall not be construed as constituting a maintenance obligation on the part of the City of Sandy Springs, nor an abrogation of the City of Sandy Springs' right to seek reimbursement for expenses from the owner/s of the property or the lands that generated the conditions.

No portion of the subject property is located in a special flood hazard area as per F.I.R.M. Community Panel No. 13121C0144 E dated June 22, 1998.

Information showing underground structures and utilities was obtained from a limited field survey. The exact location of any underground items should be verified by other sources before digging. This plat shall not be used for exact locations or presence of underground work.

FULTON COUNTY HEALTH DEPARTMENT

This subdivision, as shown, is approved upon the condition that sewage disposal and water supply facilities are in compliance with The Fulton County Code of Ordinances, Chapter 34 Article IV, Drinking Water Supply and Article XI, Sewage Disposal

WATER SUPPLY
(X) Public Water Supply
( ) Individual Water Supplies

Service Requirements – S/D Type
( ) Type "A"
( ) Type "B"

SEWAGE DISPOSAL
( ) Public Sanitary
(X) Individual Onsite Sewage

Service Requirements – S/D Type
( ) Type "A" ( ) Type "C"
( ) Type "B" ( ) Type "D"

Date — Fulton County Health Department

Revision Date — Fulton County Health Department

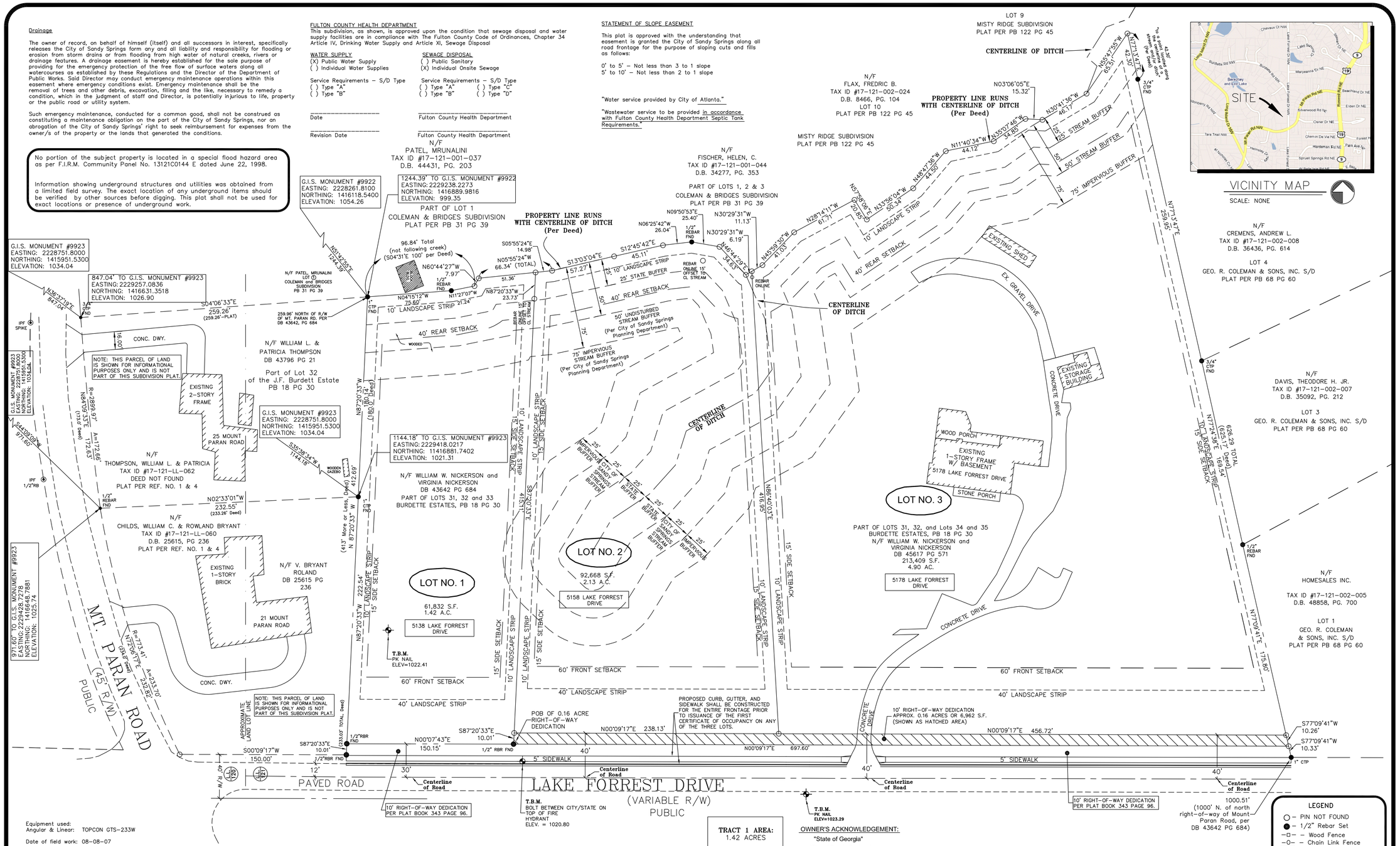
STATEMENT OF SLOPE EASEMENT

This plat is approved with the understanding that easement is granted the City of Sandy Springs along all road frontage for the purpose of sloping cuts and fills as follows:

0' to 5' – Not less than 3 to 1 slope
5' to 10' – Not less than 2 to 1 slope

"Water service provided by City of Atlanta."

"Wastewater service to be provided in accordance with Fulton County Health Department Septic Tank Requirements."



Equipment used:
Angular & Linear: TOPCON GTS-233W

Date of field work: 08-08-07

Reference: Plat Book 18 Page 30
Deed Book 42218 Page 686
Deed Book 43642 Page 684

The field data upon which this map or plat is based has a closure precision of one foot in 133,020 feet, and an angular error of less than 3" per angle point, and was adjusted using the Compass Rule.

This map or plat has been calculated for closure and is found to be accurate within one foot in 146,045 feet.

Subject property is zoned R-2, as per City of Sandy Springs records.

Vertical Datum based on elevation noted on reference survey provided by Client, titled "Boundary and Partial Topographic and Tree Survey of 5178 Lake Forrest Drive", prepared by Patterson & Dewar Engineers, Inc., dated 03-27-07.

SURVEYOR'S CERTIFICATE

"It is hereby certified that this Minor Subdivision Plat is true and correct and was prepared from an actual survey of the property, made my me or under my supervision; that all monuments shown hereon actually exist, or are maked as "Future", and their location size, type and material is correctly shown."

Surveyor's Name

Registered Georgia Land Surveyor Number_____

NOTE:
– PROPOSED CURB, GUTTER, AND SIDEWALK SHALL BE CONSTRUCTED FOR THE ENTIRE FRONTAGE PRIOR TO ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY ON ANY OF THE THREE LOTS.
– EACH LOT MAY HAVE NO MORE THAN A SINGLE DRIVEWAY.

MINOR SUBDIVISION PLAT APPROVAL

The Director of the Department of Community Development of Sandy Springs, Georgia certifies that this plat complies with the City of Sandy Springs Zoning Ordinances, Conditions of Zoning, and the City of Sandy Springs Subdivision Regulations as amended.

For the Director, Department of Community Development — Date

TRACT 1 AREA:	1.42 ACRES
TRACT 2 AREA:	2.13 ACRES
TRACT 3 AREA:	4.90 ACRES

OWNER'S ACKNOWLEDGEMENT:

"State of Georgia"
(City of Sandy Springs)

"The owner of record of the land shown on this plat and whose name is subscribed thereto, in person or through a duly authorized agent, hereby acknowledges that this plat was made from an actual survey, dedicates to Fulton County, the complete ownership and use of all water and sewer improvements constructed or to be constructed in accordance with this plat, and dedicated to the use of the public forever the following:

Public Streets	0.16 acres (Lake Forrest Drive)
Public Sewer Easements	0 acres
Public Drainage Easements	0 acres
Public Parks/Open Space	0 acres

William and Virginia Nickerson — Typed Name of Subdivider
Signature of Subdivider
Date

William and Virginia Nickerson — Typed Name of Owner of Record
Signature of Owner of Record
Date

BEARINGS ON PLAT ARE REFERENCED TO GRID NORTH.

BEARINGS SHOWN ON PLAT ARE CALCULATED FROM ANGLES TURNED IN THE FIELD.

LEGEND
○ – PIN NOT FOUND
● – 1/2" Rebar Set
–□– – Wood Fence
–○– – Chain Link Fence
▭ – Concrete
CTP – Crimp Top Pipe
DB – Deed Book
OTP – Open Top Pipe
PG – Page
POB – Point of Beginning
POC – Point of Commencement
R/W – Right-of-Way
TBM – Temporary Bench Mark
x – Spot Elevation
–/– – Continuation of Line (not shown)

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REVISIONS
1 02-28-08 PER CITY OF SANDY SPRINGS COMMENTS
2 06-29-10 SUBDIVIDE ANOTHER LOT
3 08-12-10 UPDATE BOUNDARY
4 08-31-10 REVISE DRAWING PER CITY COMMENTS
5 12-13-10 REVISE DRAWING PER CITY COMMENTS
6 12-15-10 REVISE DRAWING PER CITY COMMENTS

DRAWING INFORMATION
DATE: 08/08/07 DRWN. BY: JKM CHK. BY: ELA
SCALE: 1"=40' DISK:
PROJECT NUMBER: 2007-2615

Atlanta Engineering Services, Inc.
185 Thompson St.
Alpharetta, Georgia 30009
Phone: 678-297-2565
Fax: 678-297-2560
www.atlanteng.com

OWNER'S / DEVELOPER'S ADDRESS:
William & Virginia Nickerson
5178 Lake Forrest Drive
Sandy Springs, GA 30342

RE-PLAT OF A PORTION THE J.F. BURDETT ESTATE
Re-Plat Lots 31-35 of the J.F. Burdett Estate Land Lot 121, 17th District
City of Sandy Springs, Fulton County, Georgia

SHEET 1 of 1