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 Permanent Subsurface and Construction Easement for Construction and Maintenance of Retaining Wall

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

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Exhibits
Resolution

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:

SANDY SPRINGS
GEORGIA

TO: John McDonough, City Manager

FROM: Thomas Black, Public Works Director

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

ITEM: Consideration of Approval of the Acceptance of the Permanent Subsurface and Construction Easement for Construction and Maintenance of Retaining Wall

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Public Works Recommendation:

The Staff recommends that the Mayor and City Council accept the following Permanent Subsurface and Construction Easement of Construction and Maintenance of Retaining Wall from Lawrence Anthony Burdette of 151 Hildebrand Drive in Land Lot 89 of the 17th District.

Background:

The project is a series of improvements on the Heritage Green Site occupied by Heritage Sandy Springs and owned by the City. Part of the site work includes tying into an existing concrete wall with proposed segmental block walls. It was determined necessary to propose grading work beyond the retaining walls in order to accomplish the site work necessary. Therefore, an easement plat was prepared (attached) and discussions were made with the adjacent landowner to obtain the easement and accomplish the work.

Discussion:

The easement was prepared by the consulting firm preparing the drawings and preparation of the easement utilized an existing boundary survey of the property.

Alternatives:

N/A.

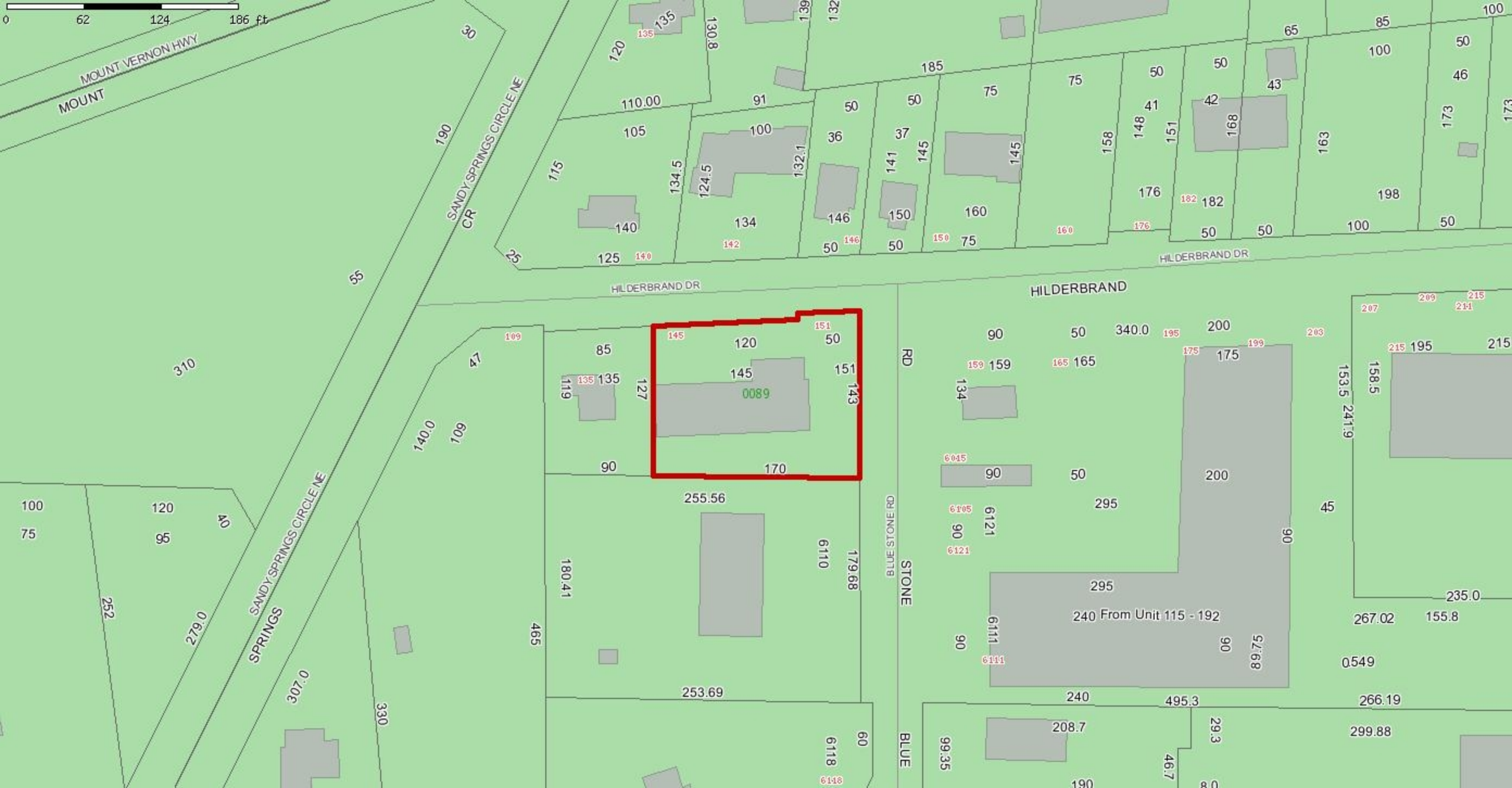
Financial Impact:

The property owners listed above have electively donated the Subsurface and Construction and Maintenance of Retaining Wall. The City did not have to expend funds for easement acquisitions. However, the City will be responsible for the maintenance of said easement if any is required.

Attachment:

I. Exhibits
II. Resolutions

0
62
124
186 ft
MOUNT VERNON HWY
MOUNT
SANDY SPRINGS CIRCLE NE
CR
HILDERBRAND DR
HILDERBRAND
BLUE STONE RD
STONE
BLUE
SPRINGS
240 From Unit 115 - 192


0 62 124 186 ft
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0089
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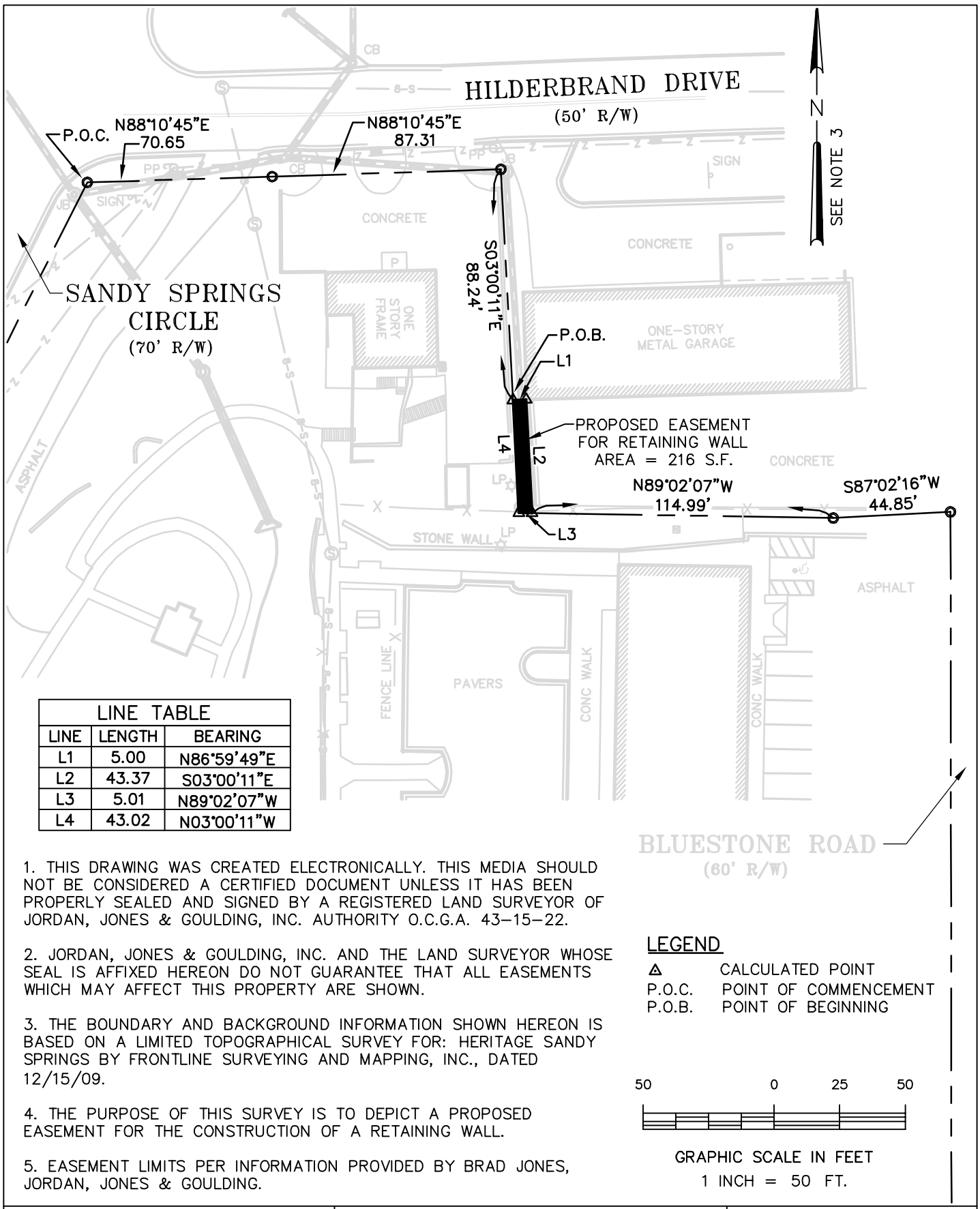


LINE TABLE		
LINE	LENGTH	BEARING
L1	5.00	N86°59'49"E
L2	43.37	S03°00'11"E
L3	5.01	N89°02'07"W
L4	43.02	N03°00'11"W

1. THIS DRAWING WAS CREATED ELECTRONICALLY. THIS MEDIA SHOULD NOT BE CONSIDERED A CERTIFIED DOCUMENT UNLESS IT HAS BEEN PROPERLY SEALED AND SIGNED BY A REGISTERED LAND SURVEYOR OF JORDAN, JONES & GOULDING, INC. AUTHORITY O.C.G.A. 43–15–22.

2. JORDAN, JONES & GOULDING, INC. AND THE LAND SURVEYOR WHOSE SEAL IS AFFIXED HEREON DO NOT GUARANTEE THAT ALL EASEMENTS WHICH MAY AFFECT THIS PROPERTY ARE SHOWN.

3. THE BOUNDARY AND BACKGROUND INFORMATION SHOWN HEREON IS BASED ON A LIMITED TOPOGRAPHICAL SURVEY FOR: HERITAGE SANDY SPRINGS BY FRONTLINE SURVEYING AND MAPPING, INC., DATED 12/15/09.

4. THE PURPOSE OF THIS SURVEY IS TO DEPICT A PROPOSED EASEMENT FOR THE CONSTRUCTION OF A RETAINING WALL.

5. EASEMENT LIMITS PER INFORMATION PROVIDED BY BRAD JONES, JORDAN, JONES & GOULDING.

LEGEND

△	CALCULATED POINT
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING

50 0 25 50

GRAPHIC SCALE IN FEET
1 INCH = 50 FT.

JORDAN, JONES & GOULDING
46 Liberty Industrial Pkwy.
McDonough, GA 30253
t 678-432-7908

EXHIBIT

HERITAGE SANDY SPRINGS
LAND LOT 89, 17TH LAND DISTRICT
FULTON COUNTY, GEORGIA

PROJECT NO.: 5038-014
DATE: 9-13-2010
SCALE: 1" = 50'

DWG. NO.: 5038014VE00.dwg
DRAWN: DSW
CHECKED: DLC

CREATED: 9/14/2010
LAST SAVED: 9/14/2010
BY: ----
PLOT DATE: 9/14/2010

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

Deed Book 49508 Pg 214
Filed and Recorded Oct-28-2010 03:32pm
2010-0373786C
Real Estate Transfer Tax $0.00
Cathelene Robinson
Clerk of Superior Court
Fulton County, Georgia

PERMANENT SUBSURFACE AND CONSTRUCTION EASEMENT FOR CONSTRUCTION AND MAINTENANCE OF RETAINING WALL

STATE OF GEORGIA
CITY OF SANDY SPRINGS

WHEREAS, THE CITY OF SANDY SPRINGS, GEORGIA (hereafter referred to as the "City") desires to construct and maintain a retaining wall along the boundary line between that certain City property located at 6910 Blue Stone Road, Sandy Springs, Ga. according to the present system of numbering in the City, in Land Lot 89 of the 17th District of Fulton County, Georgia as more fully described in that certain Quit Claim Deed and Restrictive Covenants dated December 8, 2006, recorded December 12, 2006 at Deed Book 44050, Page 668 Fulton County, Georgia real estate records, (hereafter referred to as "Park Property") and that certain parcel of land owned by LAWRENCE A. BURDETT, (hereafter referred to as "Grantor") located at 151 Hilderbrand Drive, Sandy Springs, Ga according to the present system of numbering in the City, in Land Lot 89 of the 17th District of Fulton County, Georgia, as more fully described in the certain Quit Claim Deed, dated June 11, 2002, and recorded at Deed Book 32727, Page 106 Fulton County, Georgia real estate records, (hereafter referred to as "Grantor's Property")

NOW THEREFORE, Grantor does hereby grant to the City a permanent subsurface and construction easement rights to construct and maintain over, under and upon my land abutting and adjacent to the property line between Grantor's property and the Park Property, any embankment or cuts needed in such manner as said City may deem proper to support or accommodate the subsurface retaining wall footings as shown within the easement area on the attached Exhibit "A".

The work will be done with as little inconvenience to the property owner as is consistent with reasonable progress. The property will be left in good, clean condition and replace any disrupted areas in like-kind materials upon completion of the work.

The City will clear any and all vegetation in the easement area, and under no circumstances is the City obligated to landscape outside of the easement area.

Grantor hereby releases the City from any and all past, present or future claims for damages or further compensation for the acquisition of the easement and rights herein conveyed, including any claims for consequential damages to the remainder of Grantor's property, arising out of or in any way connected with the proper, non-negligent construction of any backwater, changing of courses of streams, surface water or in any other manner.

IN WITNESS WHEREOF the Grantor has hereunto set his hand and seal this 27 day of September 2010.

Signed, sealed, and delivered in the presence of:

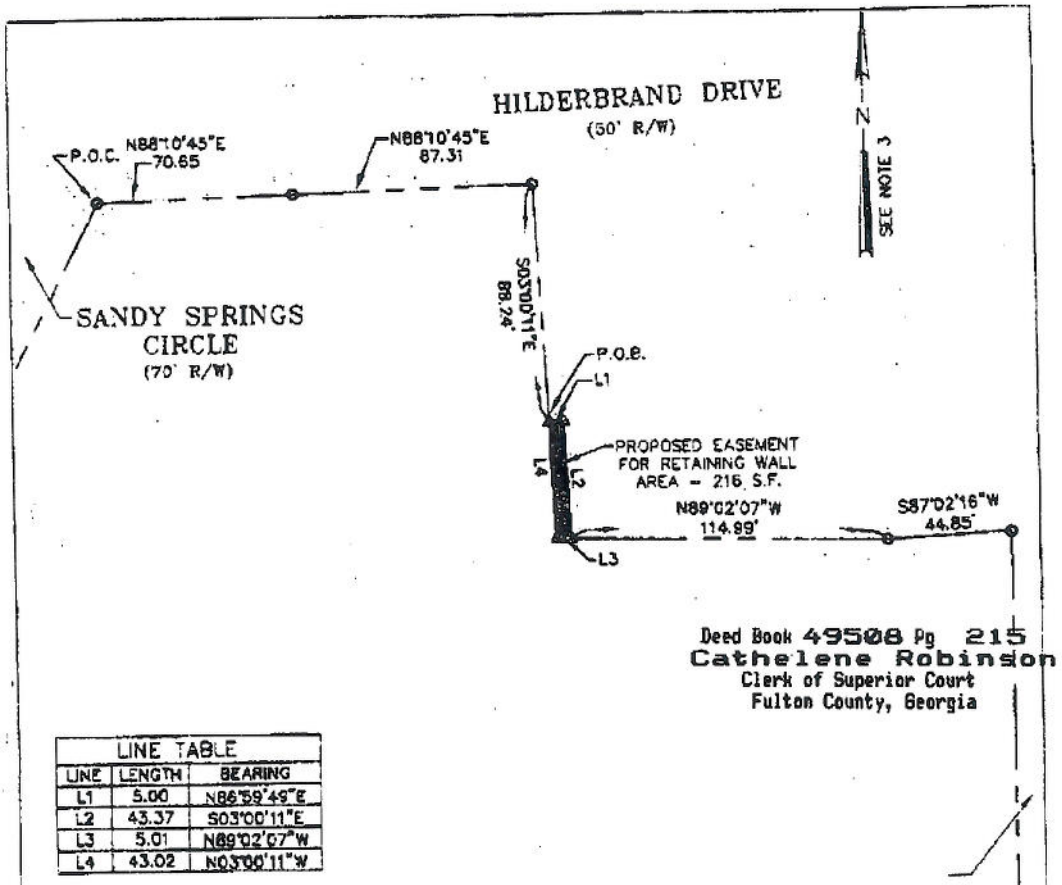
Witness

Notary Public

Lawrence Anthony Burdett

GEORGIA
JUNE 11, 2013

Exhibit A



Deed Book 49508 Pg 215
Cathelene Robinson
Clerk of Superior Court
Fulton County, Georgia

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DRAWN: DSW
CHECKED: DLC

PLOT DATE: 9/14/2010 BY:---- LAST SAVED:9/14/2010 CREATED:9/14/2010

RESOLUTION NO. _____

STATE OF GEORGIA
COUNTY OF FULTON

A RESOLUTION TO ACCEPT THE PERMANENT SUBSURFACE AND CONSTRUCTION EASEMENT FOR CONSTRUCTION AND MAINTENANCE OF RETAINING WALL ON PROPERTY LOCATED IN LAND LOTS 89, 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

WHEREAS, the Department of Public Works, in response to the guidance provided by the City Manager, has reviewed and approves the acceptance by the City of Sandy Springs of permanent subsurface and construction easement for construction and maintenance of retaining wall rights in Land Lot 89 of the 17th District, City of Sandy Springs, Fulton County, Georgia owned by Lawrence Anthony Burdette.

WHEREAS, upon adoption of this Resolution, staff will incorporate the maintenance of the acquired property into the City's management program to effectuate the management of Department of Public Works' Right-of-Way policy.

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

That they approve the acceptance of the permanent drainage easement rights in Land Lot 89 of the 17th District, which are owned by Lawrence Anthony Burdett.

It is further affirmed that the property owners have been justly compensated by the City and there is no further financial impact to the City of Sandy Springs, other than the costs related to the recording of the documents and the maintenance of the City's right-of-way.

To facilitate maintenance the City authorizes the acceptance of permanent subsurface and construction easement for construction and maintenance of retaining wall rights on Land Lot 89 of the 17th District, City of Sandy Springs, Fulton County, Georgia.

RESOLVED this the 15th day of February, 2011.

Approved:

_____
Eva Galambos, Mayor

Attest:

_____
Michael Casey, City Clerk
(Seal)