
CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council

DATE: August 26, 2010

FROM: John McDonough, City Manager

AGENDA ITEM: Consideration of Approval of the Appropriation of the Property Located at Dalrymple Road through the Use of Eminent Domain

MEETING DATE: For Submission onto the September 7, 2010, 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:

 9/7/10

CITY ATTORNEY APPROVAL REQUIRED:

()

YES

()

NO

CITY ATTORNEY APPROVAL:

 ME

REMARKS:



TO: John McDonough, City Manager

FROM: Thomas Black, Public Works Director

DATE: August 24, 2010, for Submission onto Agenda of the September 7, 2010 City Council Meeting.

ITEM: Consideration of Approval of the Appropriation of the Property Located at Dalrymple Road through the Use of Eminent Domain.

Public Works Department's Recommendation:

The staff recommends that the Mayor and City Council approve the use of the condemnation process for the property located on Dalrymple Road, lying within Land Lot 32 of the 17th District, which is the only parcel of the Dalrymple Road Sidewalk Project.

Background:

The property is currently owned by Sutton Pines Condominium Association, Inc., and is located on Dalrymple Road. The property was deemed necessary for acquisition as part of the Dalrymple Road Sidewalk Project. The City's consultant researched and prepared the pertinent acquisition documents. The city needs to acquire 209.98 Square Feet of Right of Way and 1,327.39 Square Feet of Temporary Easement. The overview map, aerial map, legal description and project plan of this project are attached.

Discussion:

This action is being requested as a "friendly condemnation" so as to expedite the ROW and Easement acquisition and complete the construction of a much needed sidewalk along this stretch of Dalrymple Road. The City has full and complete cooperation of the Sutton Pines Condominium Association, Inc.'s attorney in this matter. Normal acquisition procedure would require 100% voting of the association and that may be impossible due to member apathy.

Alternatives:

The Mayor and City Council can choose not to utilize Eminent Domain to acquire this property.

Financial Impact:

Purchase of this property has been budgeted in the Sidewalk Improvement Projects budget.

Attachments:

- I. Exhibits
 - A. Overview Map
 - B. Aerial Map
 - C. Plat
 - D. Legal Description

- II. Resolution

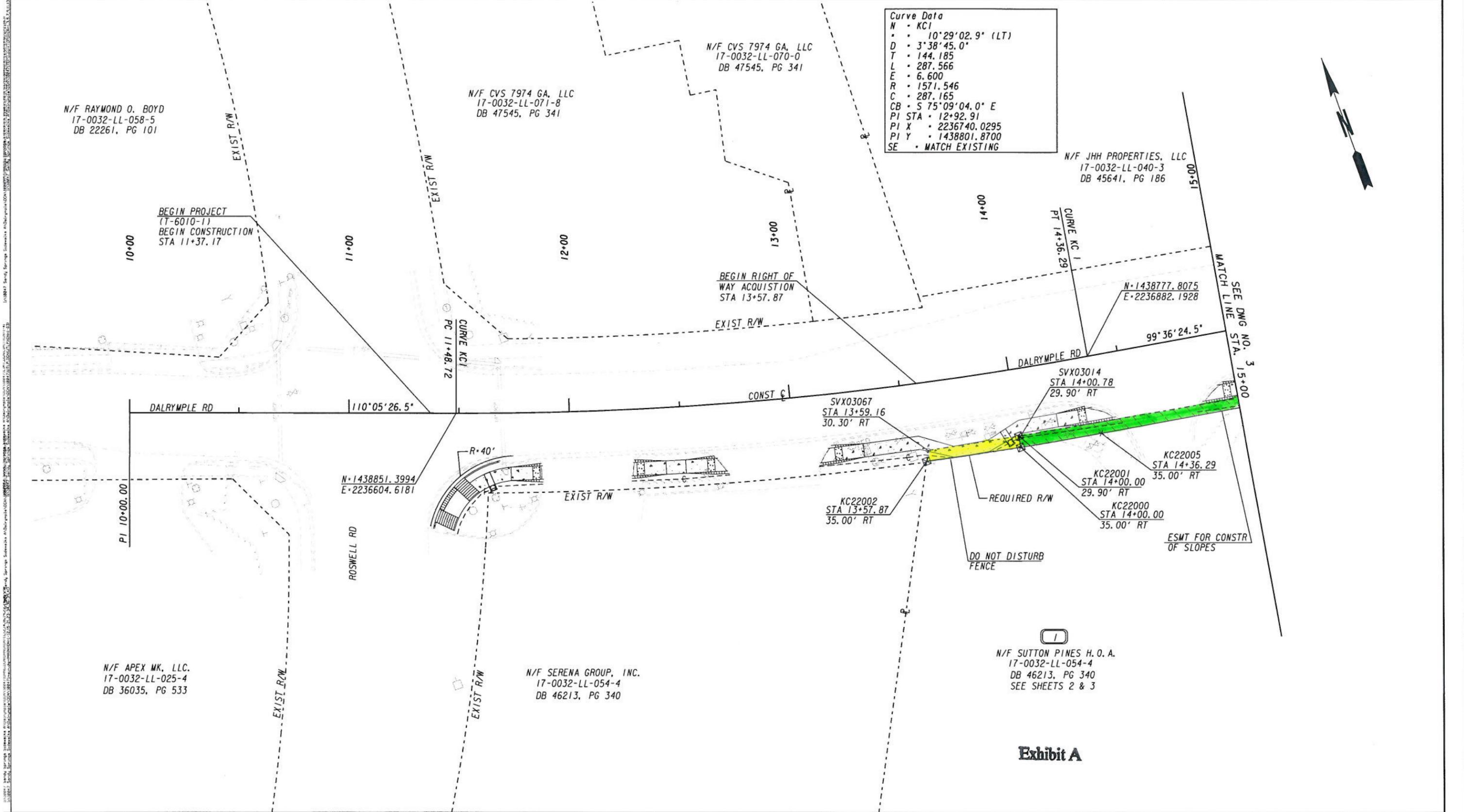
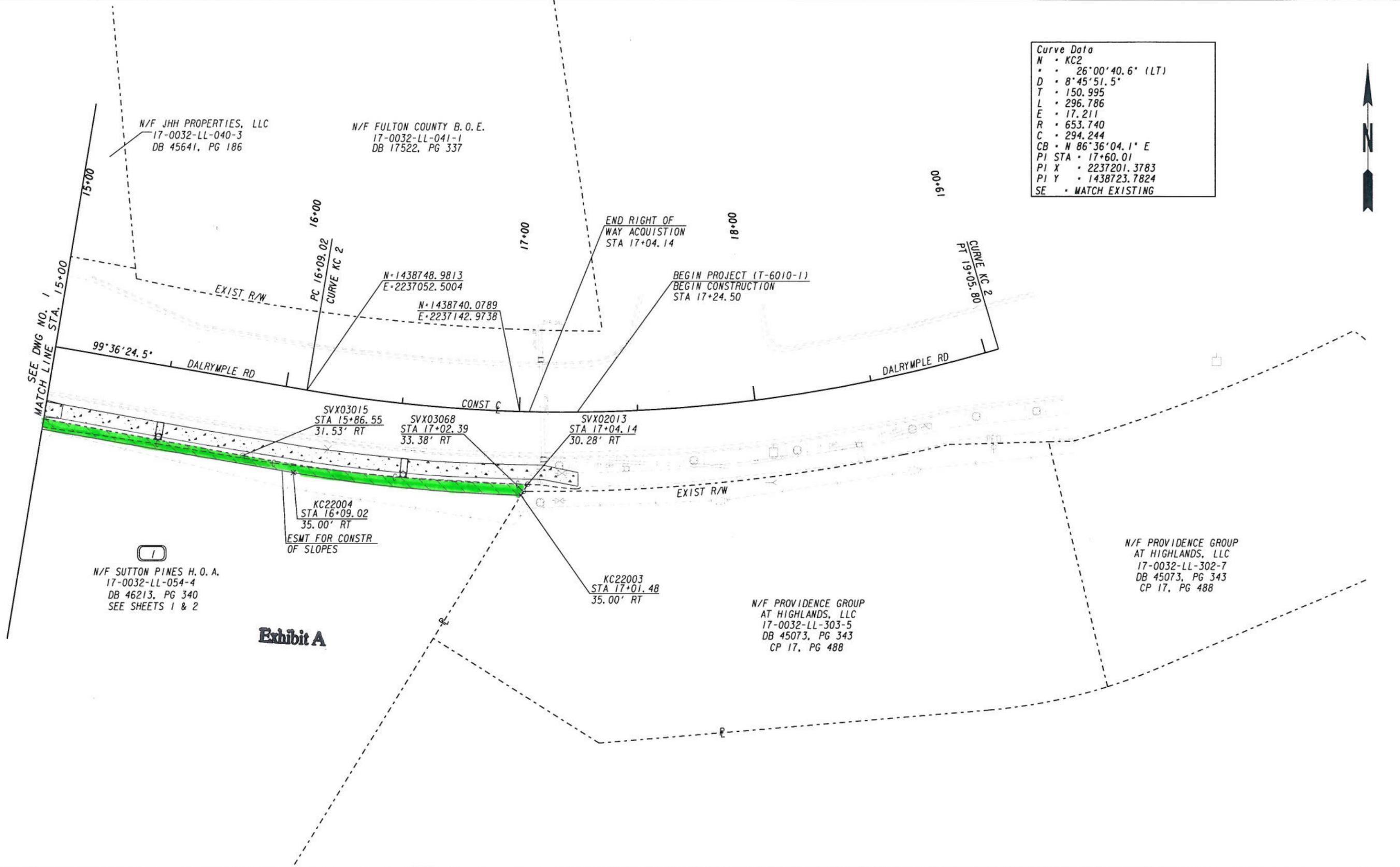


Exhibit A

| | | | | | | | |
|--|--|---|------|-----------|------|-----------|--|
| PROPERTY AND EXISTING R/W LINE REQUIRED R/W LINE CONSTRUCTION LIMITS EASEMENT FOR CONSTR & MAINTENANCE OF SLOPES EASEMENT FOR CONSTR OF SLOPES EASEMENT FOR CONSTR OF DRIVES | BEGIN LIMIT OF ACCESS.....BLA END LIMIT OF ACCESS.....ELA LIMIT OF ACCESS REQ'D R/W & LIMIT OF ACCESS |  FLORENCE & HUTCHESON, INC. | DATE | REVISIONS | DATE | REVISIONS | SANDY SPRINGS DEPARTMENT OF PUBLIC WORKS RIGHT OF WAY MAP PROJECT NO: T-6010-1 COUNTY: FULTON LAND LOT NO: 32 LAND DISTRICT: 17 GMD: 1100 DATE 05/07/10 SH 1 OF 3 |
| | | | | | | | |

Curve Data
 N - KC2
 - - 26°00'40.6" (LT)
 D - 8°45'51.5"
 T - 150.995
 L - 296.786
 E - 17.211
 R - 653.740
 C - 294.244
 CB - N 86°36'04.1" E
 PI STA - 17+60.01
 PI X - 2237201.3783
 PI Y - 1438723.7824
 SE - MATCH EXISTING



1
 N/F SUTTON PINES H.O.A.
 17-0032-LL-054-4
 DB 46213, PG 340
 SEE SHEETS 1 & 2

Exhibit A

N/F PROVIDENCE GROUP
 AT HIGHLANDS, LLC
 17-0032-LL-302-7
 DB 45073, PG 343
 CP 17, PG 488

N/F PROVIDENCE GROUP
 AT HIGHLANDS, LLC
 17-0032-LL-303-5
 DB 45073, PG 343
 CP 17, PG 488

| | |
|--------------------------------|---------------|
| PROPERTY AND EXISTING R/W LINE | ---- |
| REQUIRED R/W LINE | ---- |
| CONSTRUCTION LIMITS | —G—F— |
| ASEMENT FOR CONSTR | [Hatched Box] |
| & MAINTENANCE OF SLOPES | [Hatched Box] |
| ASEMENT FOR CONSTR OF SLOPES | [Hatched Box] |
| ASEMENT FOR CONSTR OF DRIVES | [Hatched Box] |

| | |
|-------------------------------|------|
| BEGIN LIMIT OF ACCESS.....BLA | ---- |
| END LIMIT OF ACCESS.....ELA | ---- |
| LIMIT OF ACCESS | ---- |
| REQ'D R/W & LIMIT OF ACCESS | ---- |

SCALE IN FEET
 0 20 40 80



| DATE | REVISIONS | DATE | REVISIONS |
|------|-----------|------|-----------|
| | | | |
| | | | |
| | | | |
| | | | |

SANDY SPRINGS
 DEPARTMENT OF PUBLIC WORKS
RIGHT OF WAY MAP
 PROJECT NO: T-6010-1
 COUNTY: FULTON
 LAND LOT NO: 32
 LAND DISTRICT: 17
 GMD: 1100
 DATE 05/07/10 SH 3 OF 3

SUTTON PINES H. O. A.
SEE SHEETS 1 & 3

Exhibit A

| PARCEL 1 | REQ'D R/W | | |
|-------------------------------------|-----------------|---------------------|----------------|
| PNT | OFFSET/ DIST | STATION/ BEARING | ALIGNMENT |
| KC22000 | 35.00 R | 14+00.00 | DALRYMPLE ROAD |
| ARC LENGTH = 43.067 | | | |
| CHORD BEAR = N 78°18'08.2" W | | | |
| LNTH CHORD = 43.065 | | | |
| RADIUS = 1606.546 | | | |
| DEGREE = 3° 33' 59" | | | |
| KC22002 | 35.00 R | 13+57.87 | DALRYMPLE ROAD |
| | 4.88 | N 28°02'07.4" E | |
| SVX03067 | 30.30 R | 13+59.16 | DALRYMPLE ROAD |
| ARC LENGTH = 41.627 | | | |
| CHORD BEAR = S 78°52'50.8" E | | | |
| LNTH CHORD = 41.627 | | | |
| RADIUS = 5393.434 | | | |
| DEGREE = 1° 3' 44" | | | |
| KC22001 | 29.90 R | 14+00.00 | DALRYMPLE ROAD |
| | 5.10 | S 10°55'47.2" W | |
| KC22000 | 35.00 R | 14+00.00 | DALRYMPLE ROAD |
| REQD R/W = 209.98 SF OR 0.005 ACRES | | | |
| REMAINDER = +/- 5.69 ACRES | | | |

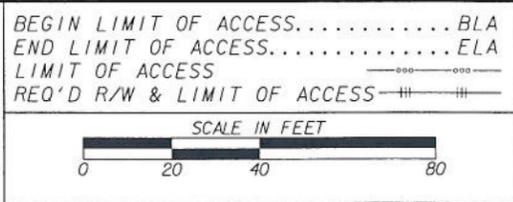
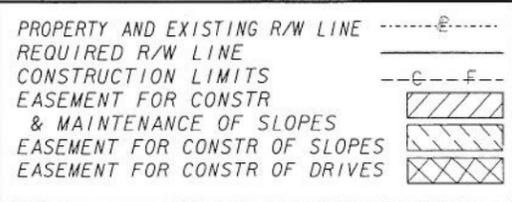
North Springs HS Parcel 1 Legal Description.txt
Legal Description of Required Right of Way For Sutton Pines H.O.A.

Commence at the point of beginning N 1438749.910527 E 2236839.852244 ;
to a curve of radius 1606.55' and a central angle of 1°32'09.3";
thence along the arc of the said curve of curve length 43.07' ;
said curve having a chord bearing and length of N 78°18'08.2" W and 43.07' ;
thence a Bearing of N 28°02'07.4" E and Distance of 4.88' ;
to a curve of radius 5393.43' and a central angle of 0°26'32.0";
thence along the arc of the said curve of curve length 41.63' ;
said curve having a chord bearing and length of S 78°52'50.8" E and 41.63' ;
thence a Bearing of S 10°55'47.2" W and Distance of 5.10' ;
containing 209.984 sqft 0.005 acres of land, more or less.

Legal Description of Easement For Construction of Slopes
For Sutton Pines H.O.A.

Commence at the point of beginning N 1438705.050306 E 2237143.539270 ;
to a curve of radius 688.74' and a central angle of 8°06'13.7";
thence along the arc of the said curve of curve length 97.41' ;
said curve having a chord bearing and length of N 84°26'43.7" W and 97.33' ;
thence a Bearing of N 80°23'35.5" W and Distance of 172.73' ;
to a curve of radius 1606.55' and a central angle of 1°19'23.0";
thence along the arc of the said curve of curve length 37.10' ;
said curve having a chord bearing and length of N 79°43'54.4" W and 37.10' ;
thence a Bearing of N 10°55'47.2" E and Distance of 5.10' ;
to a curve of radius 5393.43' and a central angle of 0°00'30.4";
thence along the arc of the said curve of curve length 0.79' ;
said curve having a chord bearing and length of S 79°06'19.1" E and 0.79' ;
thence a Bearing of S 79°46'03.7" E and Distance of 186.46' ;
thence a Bearing of N 13°44'05.0" E and Distance of 0.00' ;
to a curve of radius 735.82' and a central angle of 9°30'19.2";
thence along the arc of the said curve of curve length 122.07' ;
said curve having a chord bearing and length of S 84°22'36.7" E and 121.93' ;
thence a Bearing of S 31°56'54.7" W and Distance of 3.60' ;
thence a Bearing of S 31°56'58.9" W and Distance of 1.88' ;
containing 1327.387 sqft 0.030 acres of land, more or less.

| PARCEL 1 | EASEMENT FOR CONSTRUCTION OF SLOPES | | |
|---|-------------------------------------|----------|----------------|
| PNT | OFFSET | STATION | ALIGNMENT |
| KC22003 | 35.00 R | 17+01.48 | DALRYMPLE ROAD |
| ARC LENGTH = 97.414 | | | |
| CHORD BEAR = N 84°26'43.7" W | | | |
| LNTH CHORD = 97.333 | | | |
| RADIUS = 688.740 | | | |
| DEGREE = 8° 19' 8" | | | |
| KC22004 | 35.00 R | 16+09.02 | DALRYMPLE ROAD |
| KC22005 | 35.00 R | 14+36.29 | DALRYMPLE ROAD |
| ARC LENGTH = 37.098 | | | |
| CHORD BEAR = N 79°43'54.4" W | | | |
| LNTH CHORD = 37.097 | | | |
| RADIUS = 1606.546 | | | |
| DEGREE = 3° 33' 59" | | | |
| KC22000 | 35.00 R | 14+00.00 | DALRYMPLE ROAD |
| KC22001 | 29.90 R | 14+00.00 | DALRYMPLE ROAD |
| ARC LENGTH = 0.795 | | | |
| CHORD BEAR = S 79°06'19.1" E | | | |
| LNTH CHORD = 0.795 | | | |
| RADIUS = 5393.434 | | | |
| DEGREE = 1° 3' 44" | | | |
| SVX03014 | 29.90 R | 14+00.78 | DALRYMPLE ROAD |
| SVX03015 | 31.53 R | 15+86.55 | DALRYMPLE ROAD |
| ARC LENGTH = 122.073 | | | |
| CHORD BEAR = S 84°22'36.7" E | | | |
| LNTH CHORD = 121.933 | | | |
| RADIUS = 735.823 | | | |
| DEGREE = 7° 47' 11" | | | |
| SVX02013 | 30.28 R | 17+04.14 | DALRYMPLE ROAD |
| SVX03068 | 33.38 R | 17+02.39 | DALRYMPLE ROAD |
| KC22003 | 35.00 R | 17+01.48 | DALRYMPLE ROAD |
| REQD EASMT AREA = 1327.39 SF OR 0.030 ACRES | | | |
| TOTAL DRIVEWAY EASEMENTS = 0 | | | |



| DATE | REVISIONS | DATE | REVISIONS |
|------|-----------|------|-----------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

SANDY SPRINGS
DEPARTMENT OF PUBLIC WORKS

RIGHT OF WAY MAP

PROJECT NO: T-6010-1
COUNTY: FULTON
LAND LOT NO: 32
LAND DISTRICT: 17
GMD: 1100
DATE 5/07/10 SH 2 OF 3

Legal Description of Required Right of Way For Sutton Pines H.O.A.

Commence at the point of beginning N 1438749.910527 E 2236839.852244 ;
to a curve of radius 1606.55' and a central angle of 1°32'09.3";
thence along the arc of the said curve of curve length 43.07' ;
said curve having a chord bearing and length of N 78°18'08.2" W and 43.07';
thence a Bearing of N 28°02'07.4" E and Distance of 4.88' ;
to a curve of radius 5393.43' and a central angle of 0°26'32.0";
thence along the arc of the said curve of curve length 41.63' ;
said curve having a chord bearing and length of S 78°52'50.8" E and 41.63';
thence a Bearing of S 10°55'47.2" W and Distance of 5.10' ;
containing 209.984 sqft 0.005 acres of land, more or less.

Legal Description of Easement For Construction of Slopes For Sutton Pines H.O.A.

Commence at the point of beginning N 1438705.050306 E 2237143.539270 ;
to a curve of radius 688.74' and a central angle of 8°06'13.7";
thence along the arc of the said curve of curve length 97.41' ;
said curve having a chord bearing and length of N 84°26'43.7" W and 97.33';
thence a Bearing of N 80°23'35.5" W and Distance of 172.73' ;
to a curve of radius 1606.55' and a central angle of 1°19'23.0";
thence along the arc of the said curve of curve length 37.10' ;
said curve having a chord bearing and length of N 79°43'54.4" W and 37.10';
thence a Bearing of N 10°55'47.2" E and Distance of 5.10' ;
to a curve of radius 5393.43' and a central angle of 0°00'30.4";
thence along the arc of the said curve of curve length 0.79' ;
said curve having a chord bearing and length of S 79°06'19.1" E and 0.79';
thence a Bearing of S 79°46'03.7" E and Distance of 186.46' ;
thence a Bearing of N 13°44'05.0" E and Distance of 0.00' ;
to a curve of radius 735.82' and a central angle of 9°30'19.2";
thence along the arc of the said curve of curve length 122.07' ;
said curve having a chord bearing and length of S 84°22'36.7" E and 121.93';
thence a Bearing of S 31°56'54.7" W and Distance of 3.60' ;
thence a Bearing of S 31°56'58.9" W and Distance of 1.88' ;
containing 1327.387 sqft 0.030 acres of land, more or less.

STATE OF GEORGIA
COUNTY OF FULTON

**A RESOLUTION TO AUTHORIZE THE USE OF EMINENT DOMAIN TO CONDEMN THE
PROPERTY LOCATED AT DALRYMPLE ROAD THROUGH THE USE
OF EMINENT DOMAIN OF THE DALRYMPLE ROAD SIDEWALK PROJECT, IN LAND LOT 32
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 use of Eminent Domain by the City of Sandy Springs for the property located on Parcel 6 of the Peachtree Dunwoody Road Project, in Land Lot 32 of the 17th District, City of Sandy Springs, Fulton County, Georgia, owned by the Sutton Pines Condominium Association, Inc.

WHEREAS, upon adoption of this Resolution, the City Attorney will proceed with the steps required to utilize eminent domain;

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

That they authorize the use of Eminent Domain on the property located on Dalrymple Road of the Dalrymple Road Sidewalk Project, in Land Lot 32 of the 17th District, for the purpose of road and sidewalk improvements.

Resolved this the 7th day of September 2010.

Approved:

Eva Galambos, Mayor

Attest:

Michael D. Casey, City Clerk

(Seal)