



CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council **DATE:** August 6, 2010

FROM: John McDonough, City Manager

AGENDA ITEM: Consideration of Approval of the Appropriation of the Property on Peachtree Dunwoody Road known as Lifestyle Family Group, LLC property (associated with the Wembley Hall Subdivision), through the Use of Eminent Domain.

MEETING DATE: For Submission onto the August 17, 2010, City Council Regular Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Materials
Resolution

APPROVAL BY CITY MANAGER:  APPROVED

_____ NOT APPROVED

PLACED ON AGENDA FOR: 8/17/10

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: 

REMARKS:



TO: John McDonough, City Manager

FROM: Thomas Black, Public Works Director

DATE: August 3, 2010, for Submission onto Agenda of the August 17, 2010, City Council Meeting

ITEM: Consideration of Approval of the Appropriation of the Property on Peachtree Dunwoody Road known as Lifestyle Family Group, LLC property (associated with the Wembley Hall Subdivision), 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 titled to The Lifestyle Family Group, LLC on Peachtree Dunwoody Road, lying within Land Lot 22 of the 17th District, and being Parcels 1 & 2 of the Peachtree Dunwoody Road at Spalding Drive Intersection Improvements Project, also known as T-0026.

Background:

The property is currently owned by Lifestyle Family Group, LLC and is located at in Land Lot 22 of the 17th District on Dunwoody Place. The property was deemed necessary for acquisition as part of the Dunwoody Place Improvement Project or T-0026. The City's consultant researched and prepared the pertinent acquisition documents. The, overview map, aerial map, and project plan of this project are attached.

Discussion:

The City has negotiated in good faith with the owner of the property for several weeks and it is apparent that no amicable agreement can be reached in principal. Construction of this project has been scheduled and in order to obtain the required right of way in a timely fashion that will fit the construction schedule, condemnation is necessary.

Alternatives:

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

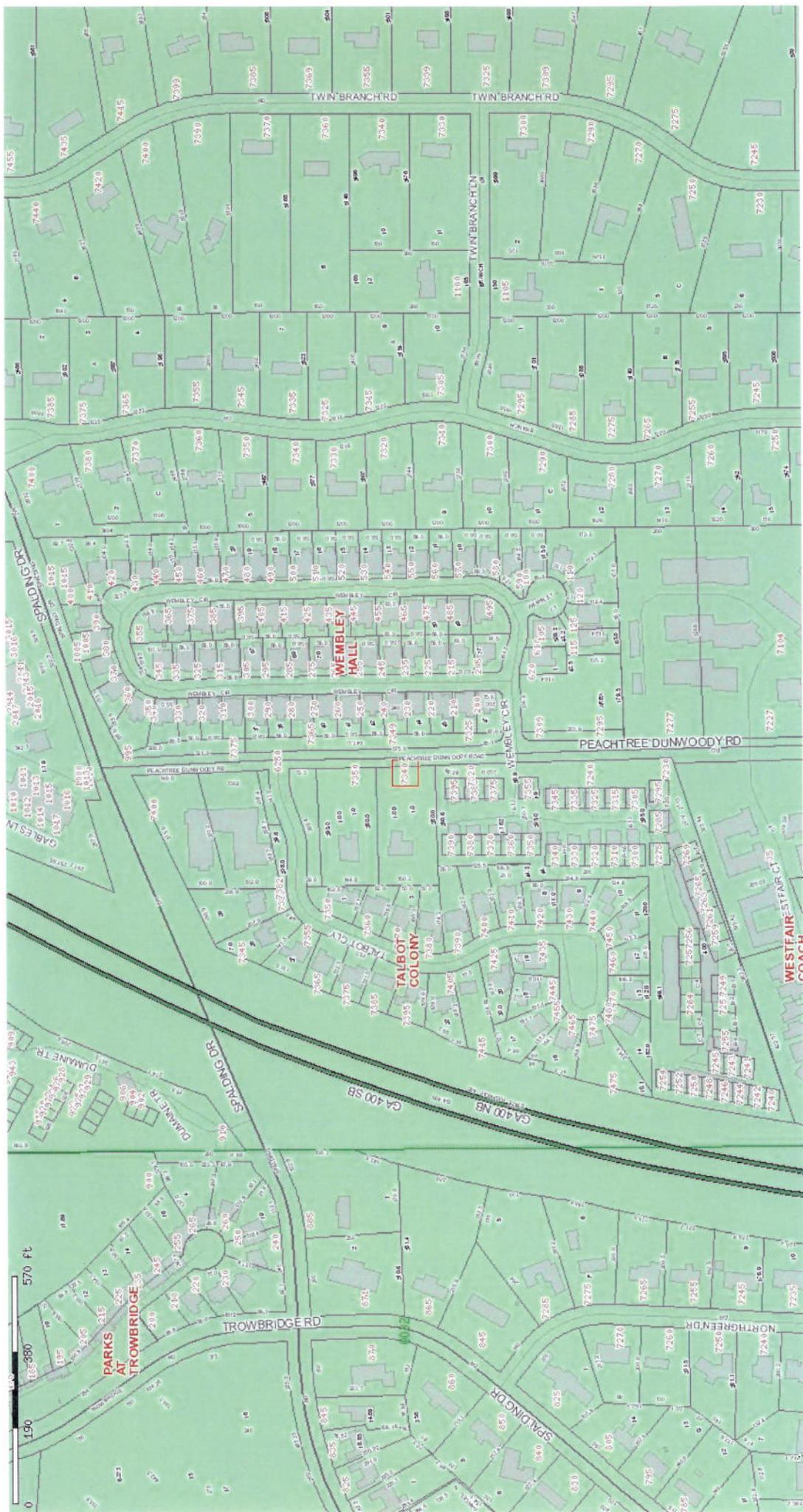
Financial Impact:

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

Attachments:

- I. Exhibits "A" through "C"
 - A. Overview map
 - B. Aerial Map
 - C. Plats
 - D. Legal Descriptions

- II. Resolution



TWIN BRANCH RD

TWIN BRANCH RD

SPALDING DR

WEMBLEY HALL

PEACHTREE DUNWOODY RD

TALBOT COLONY

WESTFAIR STAR CT

SPALDING DR

GA 400 SB

GA 400 NB

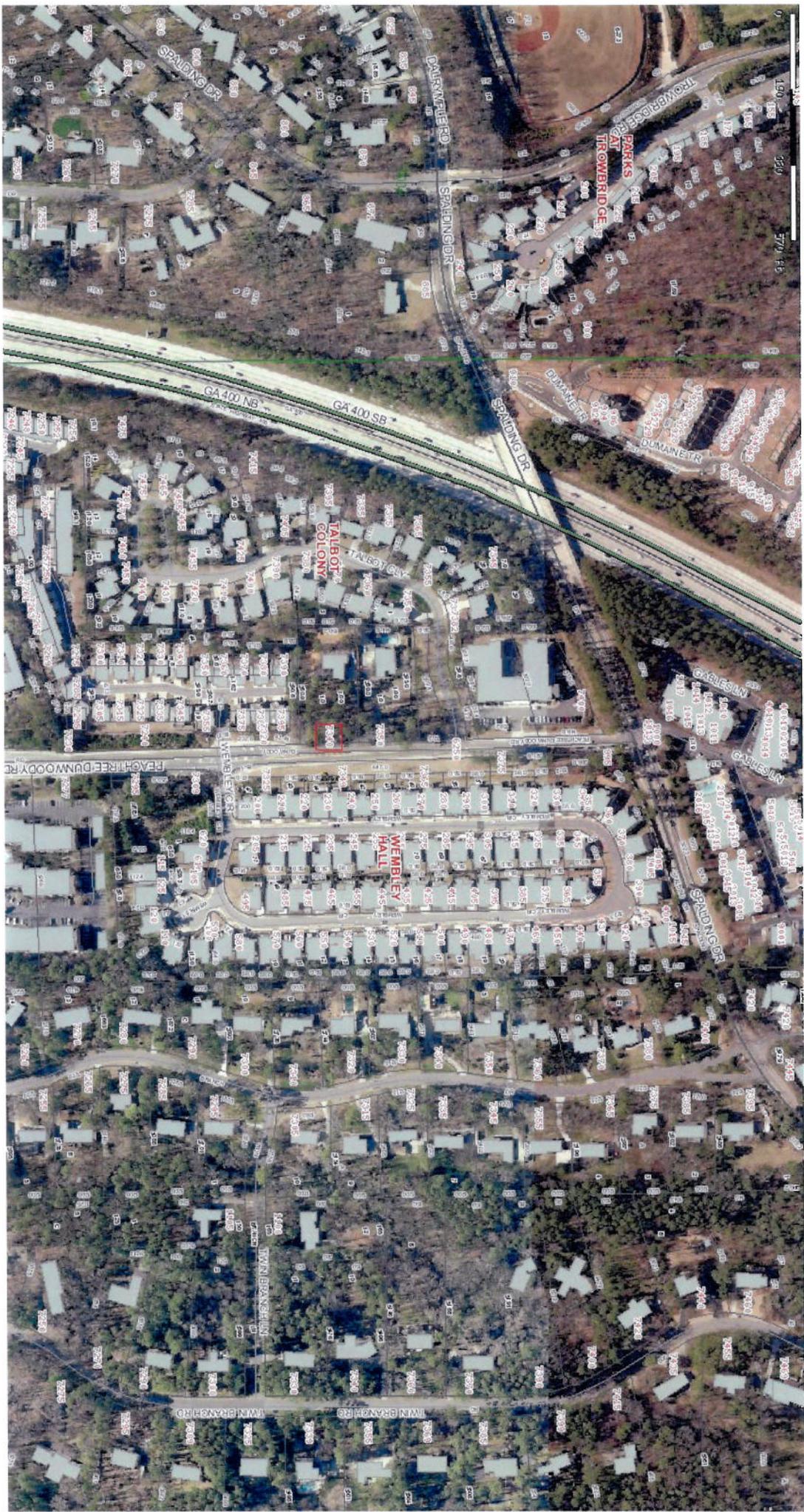
TROWBRIDGE RD

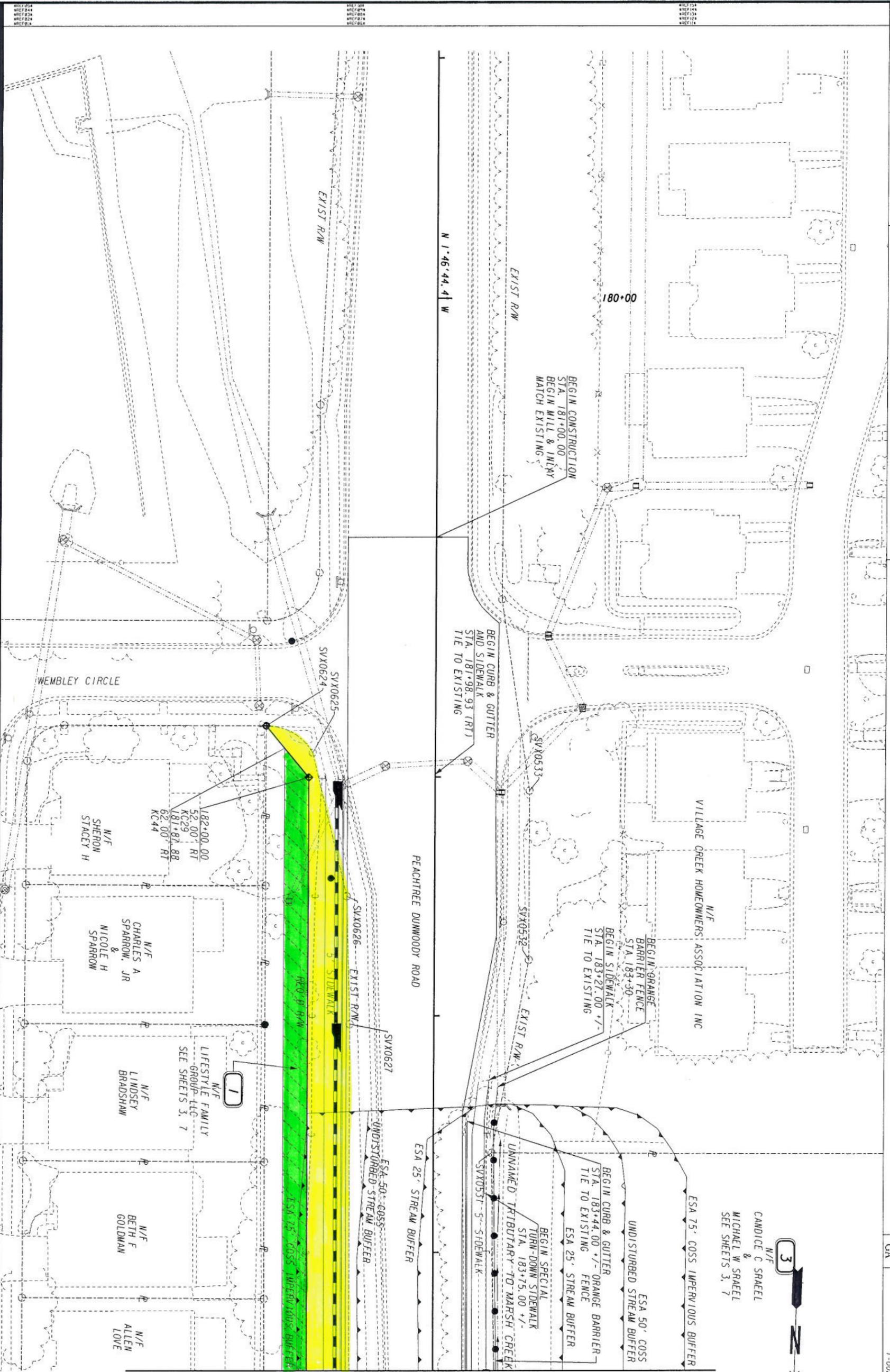
SPALDING DR

NORTHGLEN DR



PARKS AT TROWBRIDGE





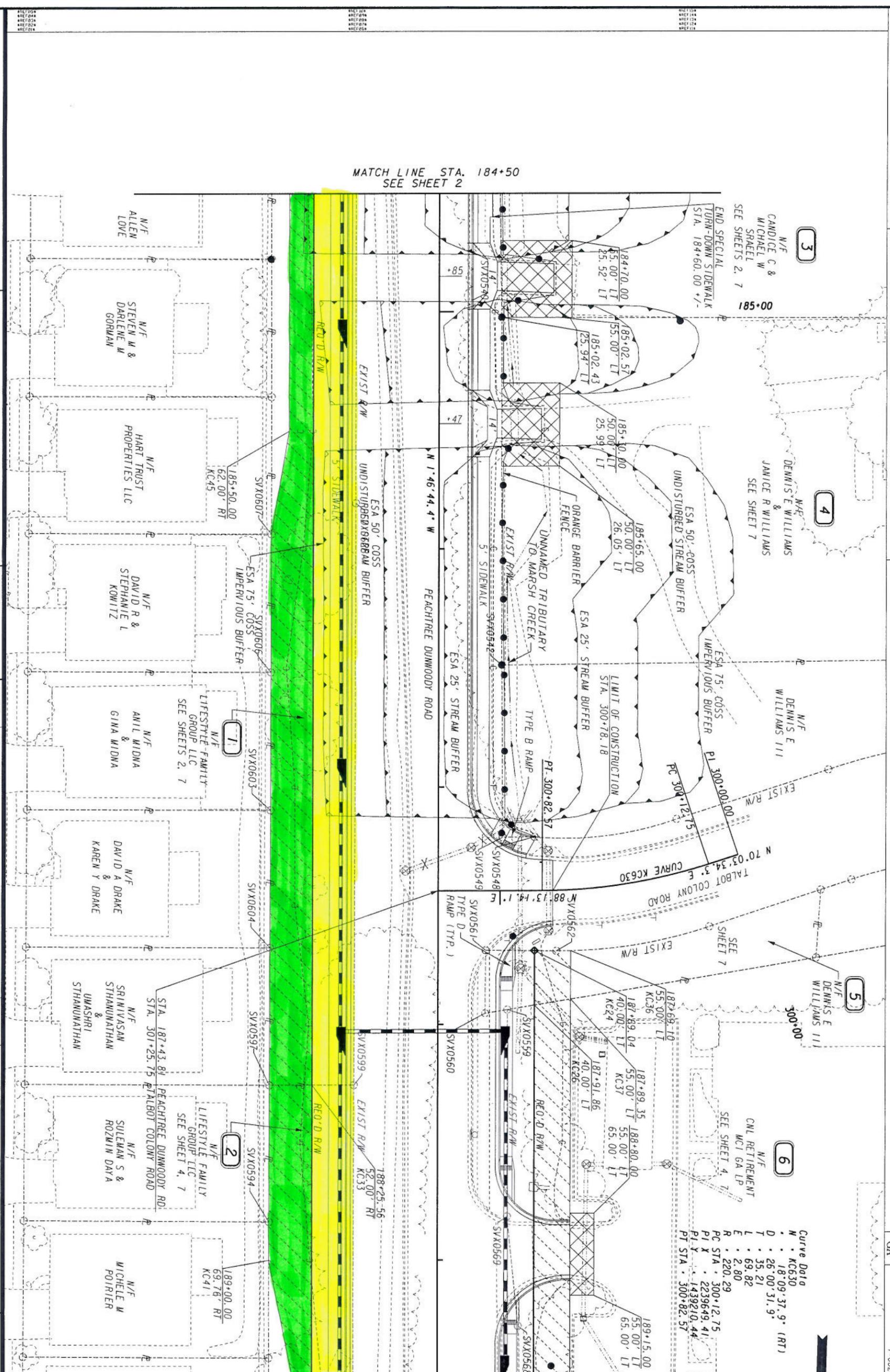
MATCH LINE STA. 184+50
SEE SHEET 3

EXHIBIT A 1 OF 4

PROPERTY AND EXISTING R/W LINE	BEGIN LIMIT OF ACCESS	DATE	REVISIONS	DATE	REVISIONS
REQUIRD R/W LINE	END LIMIT OF ACCESS				
CONSTRUCTION LIMITS	LIMIT OF ACCESS				
EASEMENT FOR CONSTR	REQ'D R/W & LIMIT OF ACCESS				
& MAINTENANCE OF SLOPES					
EASEMENT FOR CONSTR OF SLOPES					
EASEMENT FOR CONSTR OF DRIVES					

DATE	REVISIONS	DATE	REVISIONS

SANDY SPRINGS DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP PROJECT NO.: T-0026 COUNTY: FULTON LAND LOT NO: 22 LAND DISTRICT: 17 GMD: 1100 DATE: SH 2 OF 7	BIA ELA SCALE IN FEET 0 20 40 80
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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.....

SCALE IN FEET
 0 20 40 80

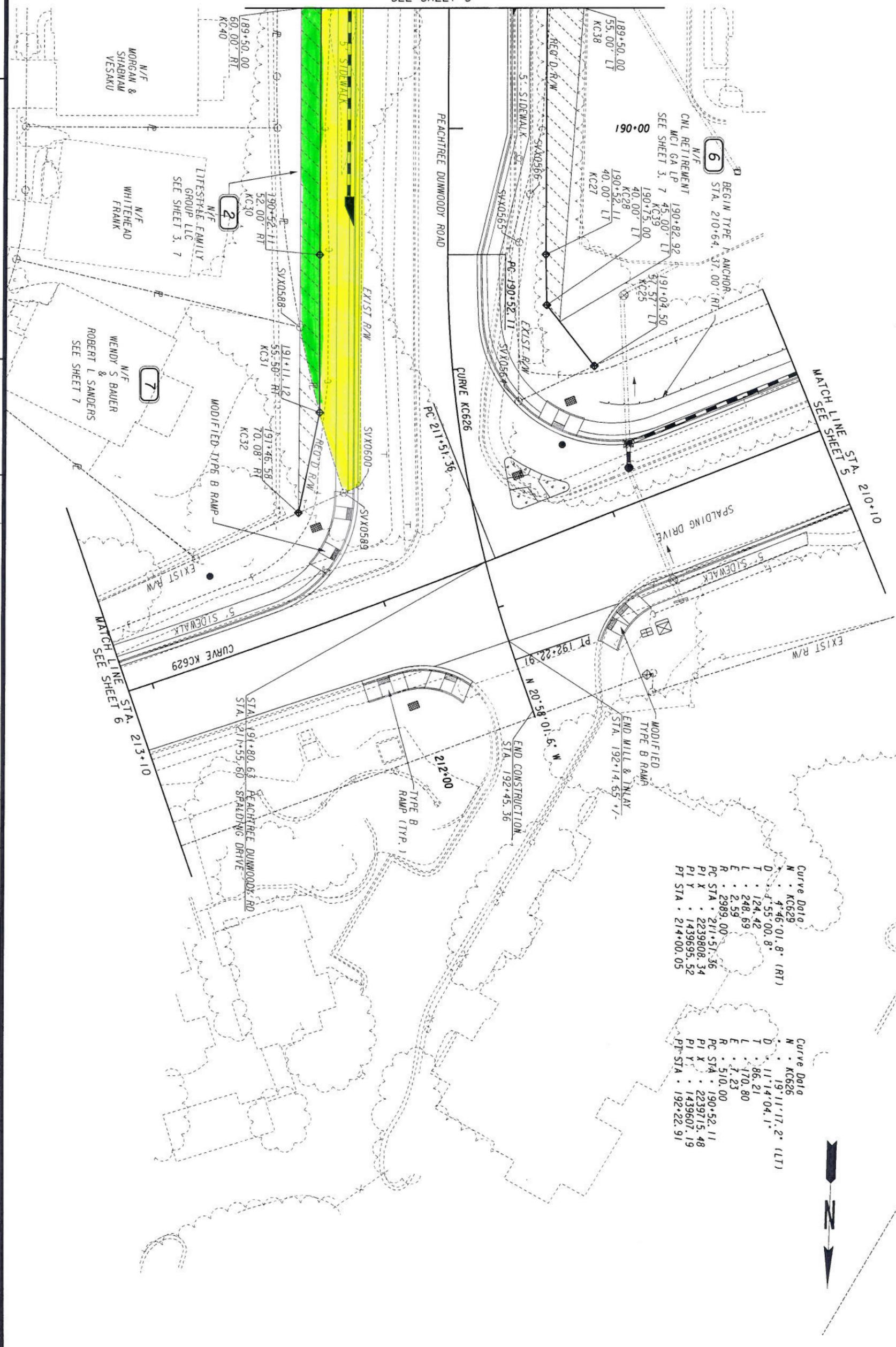
DATE	REVISIONS	DATE	REVISIONS

RIGHT OF WAY MAP
 DEPARTMENT OF TRANSPORTATION
 PROJECT NO.: T-0026
 COUNTY: FULTON
 LAND LOT NO.: 22
 LAND DISTRICT: 17
 GMD: 1100
 DATE: SH 3 OF 7

EXHIBIT A 2 OF 4

EXHIBIT A 3 OF 4

MATCH LINE STA. 189+50
SEE SHEET 3



Curve Data

N	• KC629
D	• 4°46'01.8" (RT)
T	• 124.42
L	• 248.69
E	• 2.39
R	• 2989.00
PC STA	• 190+52.11
PI X	• 2239808.34
PI Y	• 1439695.52
PT STA	• 214+00.05

Curve Data

N	• KC626
D	• 19°11'17.2" (LT)
T	• 86.21
L	• 170.80
E	• 1.23
R	• 510.00
PC STA	• 190+52.11
PI X	• 2239715.48
PI Y	• 1439607.19
PT STA	• 192+22.91



PROPERTY AND EXISTING R/W LINE
 REQUIRED R/W LINE
 CONSTRUCTION LIMITS
 EASEMENT FOR CONSTR
 EASEMENT FOR CONSTR 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.....ELA
 REQ'D R/W & LIMIT OF ACCESS.....

SCALE IN FEET
 0 20 40 80

DATE	REVISIONS	DATE	REVISIONS

SANDY SPRINGS
 DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY MAP
 PROJECT NO.: T-0026
 COUNTY: FULTON
 LAND LOT NO: 22
 LAND DISTRICT: 17
 GMD: 1100
 DATE: SH 4 OF 7

EXHIBIT "A"

PROJECT NO.: T-0026 Fulton County
P. I. NO.:
PARCEL NO.: 1
DATE OF R/W PLANS: May 06, 2010
REVISION DATE: June 09, 2010

Page 1 of 1

All that tract or parcel of land lying and being in Land Lot 22 of the 17 Land District and/or 1100 Georgia Militia District of Fulton County, Georgia, being more particularly described as follows:

Beginning at a point 36.1 feet right of and opposite Station 182+50.0054 on the construction centerline of Peachtree Dunwoody Road on the City of Sandy Springs Project No. T-0026 ; running thence N 3°26'23.4433" W a distance of 53.42 feet to a point 34.55 feet right of and opposite station 183+03.4030 on said construction centerline laid out for PEACHTREE DUNWOODY ROAD; thence N 1°49'50.4327" W a distance of 277.18 feet to a point 34.30 feet right of and opposite station 185+80.5829 on said construction centerline laid out for PEACHTREE DUNWOODY ROAD; thence N 1°41'47.4266" W a distance of 244.96 feet to a point 34.65 feet right of and opposite station 188+25.5437 on said construction centerline laid out for PEACHTREE DUNWOODY ROAD; thence N 88°09'30.1195" E a distance of 17.35 feet to a point 52.00 feet right of and opposite station 188+25.5627 on said construction centerline laid out for PEACHTREE DUNWOODY ROAD; thence S 1°46'44.4022" E a distance of 625.56 feet to a point 52.00 feet right of and opposite station 182+00.0000 on said construction centerline laid out for PEACHTREE DUNWOODY ROAD; thence S 41°17'36.9010" E a distance of 27.76 feet to a point 69.66 feet right of and opposite station 181+78.5824 on said construction centerline laid out for PEACHTREE DUNWOODY ROAD; thence northwesterly 23.393 feet along the arc of a curve (said curve having a radius of 22.040 feet and a chord distance of 22.310 feet on a bearing of N 61°39'17.0029" W) to the point 50.37 feet right of and opposite station 181+89.7793 on said construction centerline laid out for PEACHTREE DUNWOODY ROAD; thence N 15°06'32.7340" W a distance of 61.89 feet back to the point of beginning. Containing 0.246 acres more or less.

EXHIBIT "A"

PROJECT NO.: T-0026 Fulton County
P. I. NO.:
PARCEL NO.: 1 Easement
DATE OF R/W PLANS: May 06, 2010
REVISION DATE: June 09, 2010

Page 1 of 1

All that tract or parcel of land lying and being in Land Lot 22 of the 17 Land District and/or 1100 Georgia Militia District of Fulton County, Georgia, being more particularly described as follows:

Beginning at a point 62 feet right of and opposite Station 181+87.8753 on the construction centerline of Peachtree Dunwoody Road on the City of Sandy Springs Project No. T-0026 ; running thence N 41°17'36.9014" W a distance of 15.72 feet to a point 52.00 feet right of and opposite station 182+00.0000 on said construction centerline laid out for PEACHTREE DUNWOODY ROAD; thence N 1°46'44.4022" W a distance of 625.56 feet to a point 52.00 feet right of and opposite station 188+25.5627 on said construction centerline laid out for PEACHTREE DUNWOODY ROAD; thence N 88°09'30.1271" E a distance of 17.65 feet to a point 69.65 feet right of and opposite station 188+25.5820 on said construction centerline laid out for PEACHTREE DUNWOODY ROAD; thence S 1°41'47.4378" E a distance of 58.00 feet to a point 69.57 feet right of and opposite station 187+67.5818 on said construction centerline laid out for PEACHTREE DUNWOODY ROAD; thence S 1°41'47.4378" E a distance of 58.00 feet to a point 69.49 feet right of and opposite station 187+09.5815 on said construction centerline laid out for PEACHTREE DUNWOODY ROAD; thence S 1°41'47.4378" E a distance of 58.00 feet to a point 69.40 feet right of and opposite station 186+51.5813 on said construction centerline laid out for PEACHTREE DUNWOODY ROAD; thence S 1°41'47.4378" E a distance of 58.00 feet to a point 69.32 feet right of and opposite station 185+93.5811 on said construction centerline laid out for PEACHTREE DUNWOODY ROAD; thence S 7°45'23.4221" W a distance of 44.19 feet to a point 62.00 feet right of and opposite station 185+50.0000 on said construction centerline laid out for PEACHTREE DUNWOODY ROAD; thence S 1°46'44.4022" E a distance of 362.12 feet back to the point of beginning. Containing 0.189 acres more or less.

EXHIBIT "A"

PROJECT NO.: T-0026 Fulton County
P. I. NO.:
PARCEL NO.: 2
DATE OF R/W PLANS: May 06, 2010
REVISION DATE: June 09, 2010

Page 1 of 1

All that tract or parcel of land lying and being in Land Lot 22 of the 17 Land District and/or 1100 Georgia Militia District of Fulton County, Georgia, being more particularly described as follows:

Beginning at a point 34.65 feet right of and opposite Station 188+25.5437 on the construction centerline of Peachtree Dunwoody Road on the City of Sandy Springs Project No. T-0026 ; running thence N 1°41'47.4362" W a distance of 322.11 feet to a point 43.43 feet right of and opposite station 191+40.5987 on said construction centerline laid out for PEACHTREE DUNWOODY ROAD; thence N 63°59'13.0796" E a distance of 7.20 feet to a point 50.41 feet right of and opposite station 191+42.2174 on said construction centerline laid out for PEACHTREE DUNWOODY ROAD; thence southeasterly 34.698 feet along the arc of a curve (said curve having a radius of 536.000 feet and a chord distance of 34.691 feet on a bearing of S 18°35'21.2433" E) to the point 55.50 feet right of and opposite station 191+11.1242 on said construction centerline laid out for PEACHTREE DUNWOODY ROAD; thence S 2°01'34.7456" E a distance of 65.29 feet to a point 52.00 feet right of and opposite station 190+52.1093 on said construction centerline laid out for PEACHTREE DUNWOODY ROAD; thence S 1°46'44.4021" E a distance of 226.55 feet to a point 52.00 feet right of and opposite station 188+25.5627 on said construction centerline laid out for PEACHTREE DUNWOODY ROAD; thence S 88°09'30.1195" W a distance of 17.35 feet back to the point of beginning. Containing 0.123 acres more or less.

EXHIBIT "A"

PROJECT NO.: T-0026 Fulton County
P. I. NO.: T-0026
PARCEL NO.: 2 Easement
DATE OF R/W PLANS: May 06, 2010
REVISION DATE: June 09, 2010

Page 1 of 1

All that tract or parcel of land lying and being in Land Lot 22 of the 17 Land District and/or 1100 Georgia Militia District of Fulton County, Georgia, being more particularly described as follows:

Beginning at a point 52 feet right of and opposite Station 188+25.5627 on the construction centerline of Peachtree Dunwoody Road on the City of Sandy Springs Project No. T-0026 ; running thence N 1°46'44.4021" W a distance of 226.55 feet to a point 52.00 feet right of and opposite station 190+52.1093 on said construction centerline laid out for Peachtree Dunwoody Road; thence N 2°01'34.7456" W a distance of 65.29 feet to a point 55.50 feet right of and opposite station 191+11.1242 on said construction centerline laid out for Peachtree Dunwoody Road; thence southeasterly 36.143 feet along the arc of a curve (said curve having a radius of 536.000 feet and a chord distance of 36.136 feet on a bearing of S 14°48'10.7433" E) to the point 60.66 feet right of and opposite station 190+79.0087 on said construction centerline laid out for Peachtree Dunwoody Road; thence S 1°50'20.0960" E a distance of 132.19 feet to a point 60.00 feet right of and opposite station 189+50.0000 on said construction centerline laid out for Peachtree Dunwoody Road; thence S 12°49'34.8201" E a distance of 50.94 feet to a point 69.76 feet right of and opposite station 189+00.0000 on said construction centerline laid out for Peachtree Dunwoody Road; thence S 1°41'47.4268" E a distance of 16.42 feet to a point 69.74 feet right of and opposite station 188+83.5819 on said construction centerline laid out for Peachtree Dunwoody Road; thence S 1°41'47.4338" E a distance of 58.00 feet to a point 69.65 feet right of and opposite station 188+25.5820 on said construction centerline laid out for Peachtree Dunwoody Road; thence S 88°09'30.1271" W a distance of 17.65 feet back to the point of beginning. Containing 0.073 acres more or less.

STATE OF GEORGIA
COUNTY OF FULTON

**A RESOLUTION TO AUTHORIZE THE USE OF EMINENT DOMAIN TO CONDEMN THE
PROPERTY LOCATED ON PEACHTREE DUNWOODY ROAD KNOWN AS WEMBLEY HALL,
IN LAND LOT 22 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 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 Peachtree Dunwoody Road, in Land Lot 22 of the 17th District, City of Sandy Springs, Fulton County, Georgia, owned by Lifestyle Family Group LLC.

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 Peachtree Dunwoody Road, in Land Lot 22 of the 17th District, as described in Exhibit A for the purpose of road and sidewalk improvements.

IT IS FURTHER RESOLVED that the Mayor and City Council acknowledge that the City Manager, in order to assure the effectiveness of utilizing Eminent Domain, will periodically refine policies, procedures, and guidelines and keep the Mayor and Council informed of any changes as they occur.

Resolved this the 17th day of August 2010.

Approved:

Eva Galambos, Mayor

Attest:

Michael D. Casey, City Clerk

(Seal)