SANDY SPRINGS
GEORGIA

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 Located 350 Wembley Circle for the Peachtree Dunwoody Road Intersection Improvement Project.

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 Located 350 Wembley Circle for the Peachtree Dunwoody Road Intersection Improvement Project

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 350 Wembley Circle, lying within Land Lot 22 of the 17th District, being Parcel 7 of the Peachtree Dunwoody Road at Spalding Drive Intersection Improvements Project, also known as T-0026.

Background:

The property is currently owned by Wendy Sue Bauer and Robert L. Sanders. The property was deemed necessary for acquisition as part of the Peachtree Dunwoody Road at Spalding Drive Intersection 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 subject property has several outstanding Fulton County Tax Liens in the chain of title. In order to obtain clear title on the required right of way, the City must exercise its right of eminent domain.

Alternatives:

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

Financial Impact:

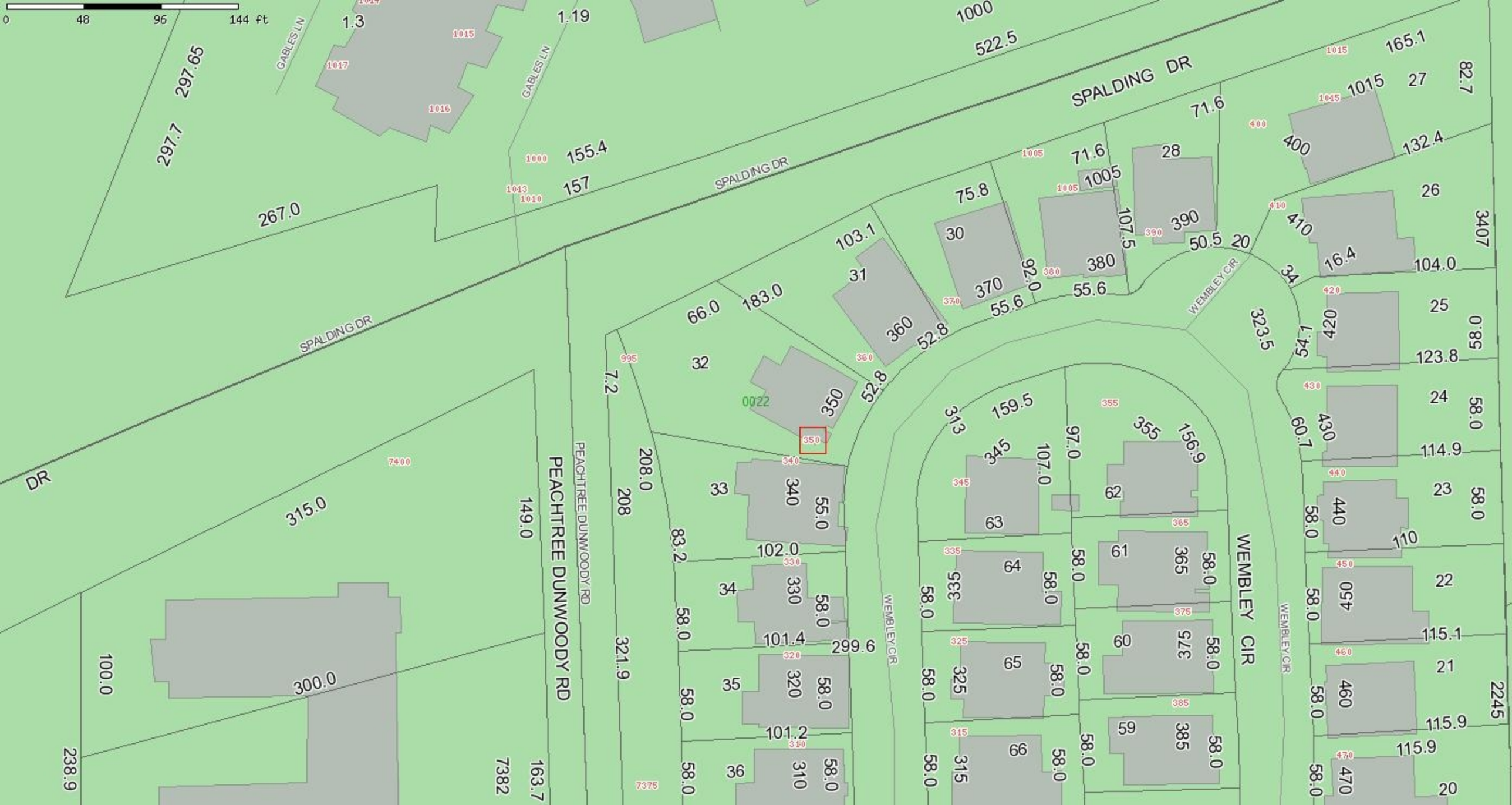
Purchase of this property has been budgeted in the Sidewalk Improvement Projects budget.

Attachments:

I. Exhibits "A" through "D"

   A. Overview Map
   B. Aerial Map
   C. Legal Description
   D. Plat with Tables

II. Resolution



0
48
96
144 ft
SPALDING DR
PEACHTREE DUNWOODY RD
WEMBLEY CIR
GABLES LN
1.3
1.19
1000
522.5
297.65
297.7
267.0
155.4
157
165.1
27
82.7
1015
71.6
400
132.4
28
1005
75.8
30
390
107.5
380
50.5
20
26
410
16.4
104.0
3407
103.1
31
370
92.0
55.6
183.0
66.0
360
52.8
34
25
420
54.1
323.5
58.0
123.8
32
350
0022
7.2
208.0
208
321.9
83.2
33
340
55.0
102.0
34
330
101.4
299.6
35
320
101.2
36
310
149.0
315.0
300.0
100.0
238.9
7382
163.7
7400
7375
313
159.5
345
107.0
97.0
355
156.9
62
63
61
365
64
335
60
375
65
325
59
385
66
315
24
430
60.7
114.9
23
440
110
22
450
115.1
21
460
115.9
2245
470
20

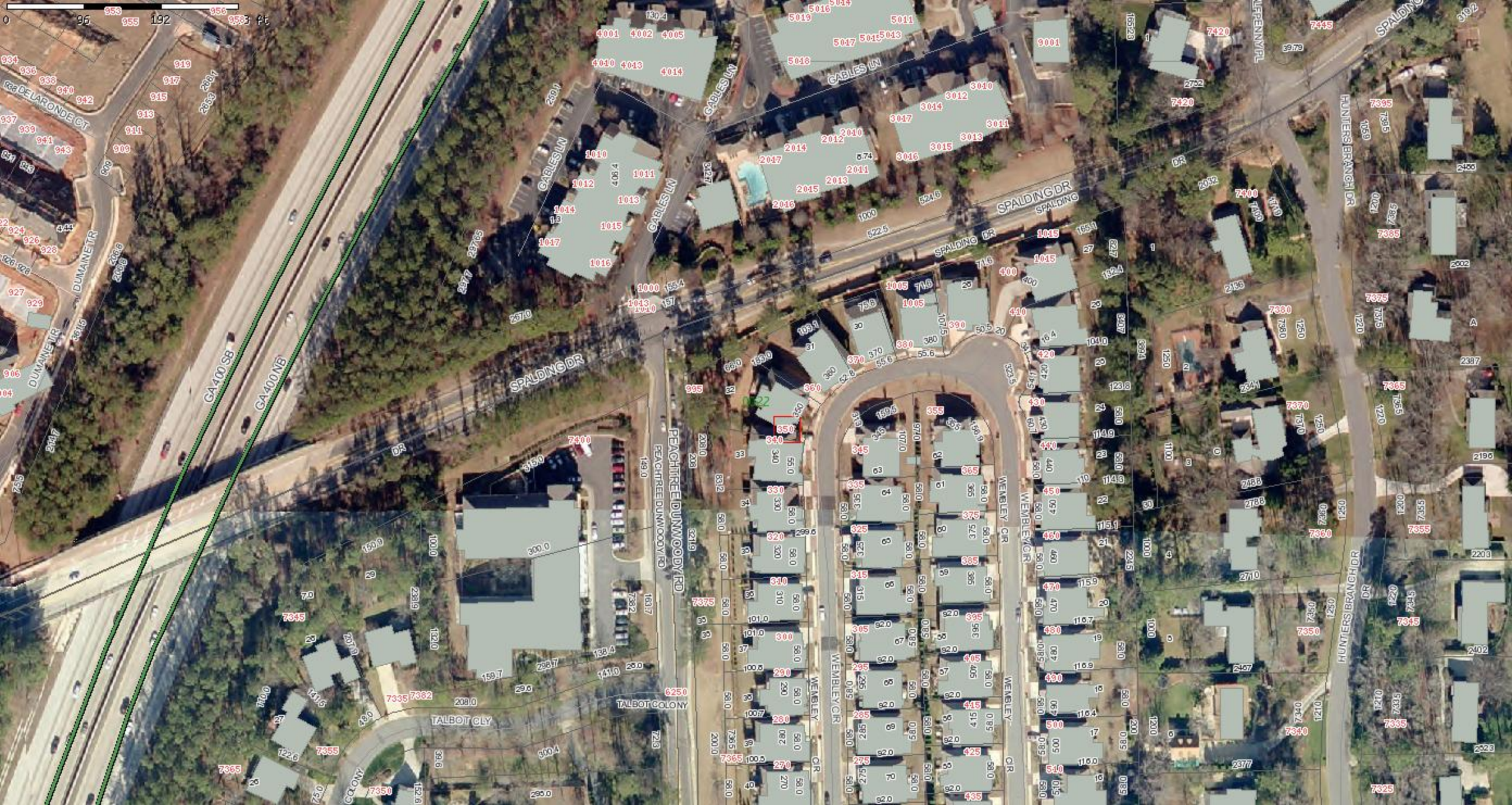

SPALDING DR
GABLES LN
PEACHTREE DUNWOODY RD
WEMBLEY CIR
HUNTERS BRANCH DR
TALBOT COLONY
TALBOT CLY
GA400 SB
GA400 NB
DUMAINE TR
DELARONDE CT
ALFENNY PL

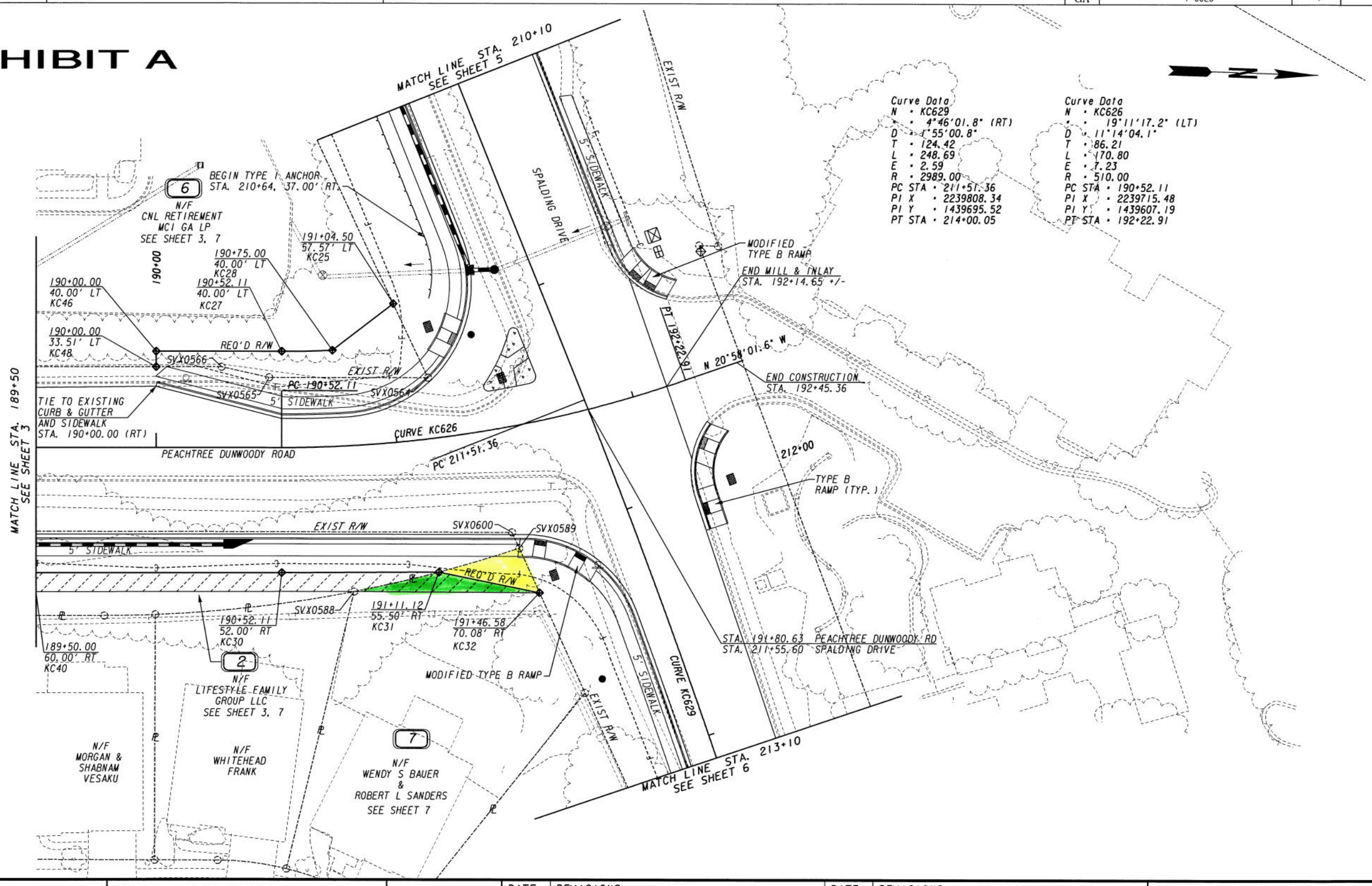
EXHIBIT "A"

PROJECT NO.: T-0026 Fulton County
P. I. NO.:
PARCEL NO.: 7
DATE OF R/W PLANS: May 06, 2010
REVISION DATE: June 09, 2010

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 50.41 feet right of and opposite Station 191+42.2174 on the construction centerline of Peachtree Dunwoody Road on the City of Sandy Springs Project No. T-0026 ; running thence N 63°55'32.0096" E a distance of 20.27 feet to a point 70.08 feet right of and opposite station 191+46.5799 on said construction centerline laid out for PEACHTREE DUNWOODY ROAD; thence S 9°42'05.7879" W a distance of 42.40 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 northwesterly 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 N 18°35'21.2433" W) back to the point of beginning. Containing 0.008 acres more or less.

EXHIBIT A



Curve Data
N = KC629
Δ = 4°46'01.8" (RT)
D = 1°55'00.8"
T = 124.42
L = 248.69
E = 2.59
R = 2989.00
PC STA = 211+51.36
PI X = 2239808.34
PI Y = 1439695.52
PT STA = 214+00.05

Curve Data
N = KC626
Δ = 19°11'17.2" (LT)
D = 11°14'04.1"
T = 86.21
L = 170.80
E = 7.23
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 & 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
5-27-10	REVISED RIGHT-OF-WAY AT PARCELS 5&6		

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 5-6-10 SH 4 OF 7

1/5/2009

EXHIBIT A

PARCEL 1 REQ'D R/W KC105

PNT	OFFSET/ DIST		STATION/ BEARING	ALIGNMENT
SVX0626	36.10	R	182+50.01	PEACHTREE DUNWOODY ROAD
	53.42		N 3°26'23" W	
SVX0627	34.55	R	183+03.40	PEACHTREE DUNWOODY ROAD
	277.18		N 1°49'50" W	
SVX0628	34.30	R	185+80.58	PEACHTREE DUNWOODY ROAD
	244.96		N 1°41'47" W	
SVX0599	34.65	R	188+25.54	PEACHTREE DUNWOODY ROAD
	17.35		N 88°09'30" E	
KC33	52.00	R	188+25.56	PEACHTREE DUNWOODY ROAD
	625.56		S 1°46'44" E	
KC29	52.00	R	182+00.00	PEACHTREE DUNWOODY ROAD
	27.76		S 41°17'37" E	
SVX0624	69.66	R	181+78.58	PEACHTREE DUNWOODY ROAD

ARC LENGTH = 23.393
CHORD BEAR = N 61°39'17" W
LNTH CHORD = 22.310
RADIUS = 22.040
DEGREE = 259° 57' 45''

SVX0625	50.37	R	181+89.78	PEACHTREE DUNWOODY ROAD
	61.89		N 15°06'33" W	
SVX0626	36.10	R	182+50.01	PEACHTREE DUNWOODY ROAD

REQD R/W = 10728.34 SF
REQD R/W = 0.246 ACRES
REMAINDER = +/- 0.255 ACRES

PARCEL 1 REQ'D EASM'T. KC204

PNT	OFFSET/ DIST		STATION/ BEARING	ALIGNMENT
KC44	62.00	R	181+87.88	PEACHTREE DUNWOODY ROAD
	15.72		N 41°17'37" W	
KC29	52.00	R	182+00.00	PEACHTREE DUNWOODY ROAD
	625.56		N 1°46'44" W	
KC33	52.00	R	188+25.56	PEACHTREE DUNWOODY ROAD
	17.65		N 88°09'30" E	
SVX0597	69.65	R	188+25.58	PEACHTREE DUNWOODY ROAD
	58.00		S 1°41'47" E	
SVX0604	69.57	R	187+67.58	PEACHTREE DUNWOODY ROAD
	58.00		S 1°41'47" E	
SVX0603	69.49	R	187+09.58	PEACHTREE DUNWOODY ROAD
	58.00		S 1°41'47" E	
SVX0606	69.40	R	186+51.58	PEACHTREE DUNWOODY ROAD
	58.00		S 1°41'47" E	
SVX0607	69.32	R	185+93.58	PEACHTREE DUNWOODY ROAD
	44.19		S 7°45'23" W	
KC45	62.00	R	185+50.00	PEACHTREE DUNWOODY ROAD
	362.12		S 1°46'44" E	
KC44	62.00	R	181+87.88	PEACHTREE DUNWOODY ROAD

REQD EASM'T = 8212.96 SF
REQD EASM'T = 0.189 ACRES

PARCEL 2 REQ'D R/W KC104

PNT	OFFSET/ DIST		STATION/ BEARING	ALIGNMENT
SVX0599	34.65	R	188+25.54	PEACHTREE DUNWOODY ROAD
	322.11		N 1°41'47" W	
SVX0600	43.43	R	191+40.60	PEACHTREE DUNWOODY ROAD
	7.20		N 63°59'13" E	
SVX0589	50.41	R	191+42.22	PEACHTREE DUNWOODY ROAD

ARC LENGTH = 34.698
CHORD BEAR = S 18°35'21" E
LNTH CHORD = 34.691
RADIUS = 536.000
DEGREE = 10° 41' 22''

KC31	55.50	R	191+11.12	PEACHTREE DUNWOODY ROAD
	65.29		S 2°01'35" E	
KC30	52.00	R	190+52.11	PEACHTREE DUNWOODY ROAD
	226.55		S 1°46'44" E	
KC33	52.00	R	188+25.56	PEACHTREE DUNWOODY ROAD
	17.35		S 88°09'30" W	
SVX0599	34.65	R	188+25.54	PEACHTREE DUNWOODY ROAD

REQD R/W = 5374.70 SF
REQD R/W = 0.123 ACRES
REMAINDER = +/- 0.100 ACRES

PARCEL 2 REQ'D EASM'T. KC203

PNT	OFFSET/ DIST		STATION/ BEARING	ALIGNMENT
KC33	52.00	R	188+25.56	PEACHTREE DUNWOODY ROAD
	226.55		N 1°46'44" W	
KC30	52.00	R	190+52.11	PEACHTREE DUNWOODY ROAD
	65.29		N 2°01'35" W	
KC31	55.50	R	191+11.12	PEACHTREE DUNWOODY ROAD

ARC LENGTH = 36.143
CHORD BEAR = S 14°48'11" E
LNTH CHORD = 36.136
RADIUS = 536.000
DEGREE = 10° 41' 22''

SVX0588	60.66	R	190+79.01	PEACHTREE DUNWOODY ROAD
	132.19		S 1°50'20" E	
KC40	60.00	R	189+50.00	PEACHTREE DUNWOODY ROAD
	50.94		S 12°49'35" E	
KC41	69.76	R	189+00.00	PEACHTREE DUNWOODY ROAD
	16.42		S 1°41'47" E	
SVX0594	69.74	R	188+83.58	PEACHTREE DUNWOODY ROAD
	58.00		S 1°41'47" E	
SVX0597	69.65	R	188+25.58	PEACHTREE DUNWOODY ROAD
	17.65		S 88°09'30" W	
KC33	52.00	R	188+25.56	PEACHTREE DUNWOODY ROAD

REQD EASM'T = 3160.42 SF
REQD EASM'T = 0.073 ACRES

PARCEL 3 REQ'D DRIVEWAY EASEMENT

REQUIRED DRIVEWAY EASEMENT = 1

PARCEL 4 REQ'D DRIVEWAY EASEMENT

REQUIRED DRIVEWAY EASEMENT = 1

PARCEL 5 REQ'D R/W KC100

PNT	OFFSET/ DIST		STATION/ BEARING	ALIGNMENT
SVX0561	19.78	L	187+68.85	PEACHTREE DUNWOODY ROAD
	20.22		S 88°46'00" W	
KC24	40.00	L	187+69.04	PEACHTREE DUNWOODY ROAD
	27.11		N 22°35'34" E	
SVX0559	28.81	L	187+93.73	PEACHTREE DUNWOODY ROAD
	9.29		N 78°43'30" E	
SVX0560	19.65	L	187+95.27	PEACHTREE DUNWOODY ROAD
	26.42		S 1°29'60" E	
SVX0561	19.78	L	187+68.85	PEACHTREE DUNWOODY ROAD

REQD R/W = 371.59 SF
REQD R/W = 0.009 ACRES
REMAINDER = +/- 0.060 ACRES

PARCEL 6 REQ'D R/W KC101

PNT	OFFSET/ DIST		STATION/ BEARING	ALIGNMENT
KC46	40.00	L	190+00.00	PEACHTREE DUNWOODY ROAD
	52.11		N 1°46'44" W	
KC27	40.00	L	190+52.11	PEACHTREE DUNWOODY ROAD

ARC LENGTH = 21.095
CHORD BEAR = N 3°03'53" W
LNTH CHORD = 21.094
RADIUS = 470.000
DEGREE = 12° 11' 26''

KC28	40.00	L	190+75.00	PEACHTREE DUNWOODY ROAD
	31.93		N 39°21'44" W	
KC25	57.57	L	191+04.50	PEACHTREE DUNWOODY ROAD
	34.03		N 63°08'31" E	
SVX0564	25.30	L	191+16.27	PEACHTREE DUNWOODY ROAD
	65.92		S 1°49'60" E	
SVX0565	29.07	L	190+47.01	PEACHTREE DUNWOODY ROAD
	20.31		S 10°51'04" W	
SVX0566	33.51	L	190+27.19	PEACHTREE DUNWOODY ROAD
	27.19		S 1°46'31" E	
KC48	33.51	L	190+00.00	PEACHTREE DUNWOODY ROAD
	6.49		S 88°13'16" W	
KC46	40.00	L	190+00.00	PEACHTREE DUNWOODY ROAD

REQD R/W = 1395.19 SF
REQD R/W = 0.032 ACRES
REMAINDER = +/- 1.733 ACRES

PARCEL 7 REQ'D R/W KC103

PNT	OFFSET/ DIST		STATION/ BEARING	ALIGNMENT
SVX0589	50.41	R	191+42.22	PEACHTREE DUNWOODY ROAD
	20.27		N 63°55'32" E	
KC32	70.08	R	191+46.58	PEACHTREE DUNWOODY ROAD
	42.40		S 9°42'06" W	
KC31	55.50	R	191+11.12	PEACHTREE DUNWOODY ROAD

ARC LENGTH = 34.698
CHORD BEAR = N 18°35'21" W
LNTH CHORD = 34.691
RADIUS = 536.000
DEGREE = 10° 41' 22''

SVX0589	50.41	R	191+42.22	PEACHTREE DUNWOODY ROAD

REQD R/W = 342.04 SF
REQD R/W = 0.008 ACRES
REMAINDER = +/- 0.254 ACRES

PARCEL 7 REQ'D EASM'T. KC202

PNT	OFFSET/ DIST		STATION/ BEARING	ALIGNMENT
SVX0588	60.66	R	190+79.01	PEACHTREE DUNWOODY ROAD

ARC LENGTH = 36.143
CHORD BEAR = N 14°48'11" W
LNTH CHORD = 36.136
RADIUS = 536.000
DEGREE = 10° 41' 22''

KC31	55.50	R	191+11.12	PEACHTREE DUNWOODY ROAD
	42.40		N 9°42'06" E	
KC32	70.08	R	191+46.58	PEACHTREE DUNWOODY ROAD
	76.75		S 1°33'33" E	
SVX0588	60.66	R	190+79.01	PEACHTREE DUNWOODY ROAD

REQD EASM'T = 310.37 SF
REQD EASM'T = 0.007 ACRES

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
5-27-10	REVISED RIGHT-OF-WAY AT PARCELS 5&6		

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 5-6-10 SH 7 OF 7

1/5/2009

RESOLUTION NO. _____

STATE OF GEORGIA
COUNTY OF FULTON

A RESOLUTION TO AUTHORIZE THE USE OF EMINENT DOMAIN TO CONDEMN THE PROPERTY LOCATED AT 350 WEMBLEY CIRCLE OF THE PEACHTREE DUNWOODY ROAD, 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 AT 350 Wembley Circle of the Peachtree Dunwoody Road Project, in Land Lot 22 of the 17th District, City of Sandy Springs, Fulton County, Georgia, owned Wendy Sue Bauer and Robert L. Sanders.

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 at 350 Wembley Circle of the Peachtree Dunwoody Road Project, in Land Lot 22 of the 17h 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)