

CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council

DATE: July 8, 2010

FROM: John McDonough, City Manager

AGENDA ITEM: Deeds for Relocation and Exchange of Right-of-Way regarding
Central Park West

MEETING DATE: For Submission onto the July 13, 2010, City Council Regular
Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Quitclaim Deeds

APPROVAL BY CITY MANAGER:



APPROVED

NOT APPROVED

PLACED ON AGENDA FOR:

7/13/10

CITY ATTORNEY APPROVAL REQUIRED:

() YES

() NO

CITY ATTORNEY APPROVAL:



REMARKS:



TO: Mayor and Council

FROM: Cecil G. McLendon, Jr., Assistant City Attorney

DATE: July 6, 2010

ITEM: Deeds for Relocation and Exchange of Right-of-Way regarding Central Park West

Background:

At its June 15, 2010 meeting, the Mayor and Council approved zoning modification petition ZM10-004/CV10-005 by JMC-IV Real Estate Company at 7000 & 9000 Central Parkway and 6205 Peachtree Dunwoody Road. The modification allowed redevelopment of the property with a new building on the Cox Campus, and was subject to a new site plan submitted by the applicant. As part of the modification, the realignment of Central Park West and Central Parkway was contemplated in accordance with the site plan, and the necessary exchange of parcels to accomplish the realignment was approved.

Discussion:

Attached are two (2) Quitclaim Deeds from the City of Sandy Springs to JMC-IV Real Estate Company and Ctech Holdings, LLC, which will convey the required right-of-way to effect the transfer. In addition, Right-of-Way Deeds are being prepared to convey the new, realigned right-of-way to the City. At this time, the City Attorney's Office requests that the Mayor and Council approve the execution of the attached deeds by the Mayor, and authorize the City Attorney's Office to deliver the executed deeds at the time of closing the exchange transaction.

Financial Impact:

At this time, the City's appraiser has been contacted to assess the valuation of the transfers to insure that the transaction will not be a potential gratuity for the property owner. As the properties are roughly equivalent in size and in location, it is thought that the transaction is an even exchange; however, if the appraisal shows a significant difference in valuation, this issue may need to be addressed prior to closing.

Attachments:

Quitclaim Deeds

After recording return to:
Lawrence T. Humphrey, Esq.
Dow Lohnes PLLC
Six Concourse Parkway
Suite 1800
Atlanta, Georgia 30328

STATE OF GEORGIA

COUNTY OF _____

TAX PARCEL NO.: Portion of 17-0018-0009-015-3

QUITCLAIM DEED

THIS QUITCLAIM DEED, made the ____ day of _____, 2010, by **CITY OF SANDY SPRINGS**, a Georgia municipal corporation, hereinafter called Grantor, and **CTECH HOLDINGS, LLC**, a Delaware limited liability company, hereinafter called Grantee (the words “Grantor” and “Grantee” to include their respective heirs, legal representatives, successors, and assigns where the context requires or permits, whether voluntary by act of the parties, or involuntary by operation of law);

W I T N E S S E T H :

That, Grantor, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency of which is hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto the said Grantee:

All of Grantor’s right, title and interest, if any, in and to that certain tract or parcel of land lying and being in Land Lots 18 and 19 of the 17th Land District, Fulton County, Georgia being more particularly described on Exhibit A attached hereto and incorporated herein.

TOGETHER WITH all of Grantor’s right, title and interest, if any, in all rights, members, easements, rights-of-way, strips and gores of land, streets, ways, alleys, passages, and appurtenances in any way belonging, relating, or appertaining to the Property.

TO HAVE AND TO HOLD the said described premises to Grantee, so that neither Grantor nor any person or persons claiming under Grantor shall, at any time, by any means or ways, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof.

SIGNATURES ON FOLLOWING PAGE

IN WITNESS WHEREOF, Grantor has signed and sealed this Quitclaim Deed as of the day, month, and year first above written.

Signed, sealed and delivered
in the presence of:

CITY OF SANDY SPRINGS,
a Georgia municipal corporation

Unofficial Witness

By: _____
Name: _____
Title: _____

Notary Public

[SEAL]

My Commission Expires:

[NOTARIAL SEAL]

EXHIBIT A

(LEGAL DESCRIPTION)

All that tract or parcel of land lying in Land Lot 18 and Land Lot 19 of the 17th District, Fulton County, Georgia and being more particularly described as follows:

COMMENCE at MARTA Monument 410-4, located at the northeast corner of the intersection of Peachtree-Dunwoody Road and Central Park West (having a variable width Right-of-Way); thence run South 43 degrees 42 minutes 23 seconds East, a distance of 206.52 feet to a point, located on the southerly Right-of-way of Central Park West (having a variable width Right-of-Way), said point being the TRUE POINT OF BEGINNING.

Thence run along and coincident with the said southerly Right-of-Way line of Central Park West along the following courses and distances; South 76 degrees 46 minutes 35 seconds West for a distance of 28.59 feet to a point;

thence along a curve to the left, and an arc distance of 0.96 feet (said curve having a radius of 69.50 feet, being subtended by a chord bearing South 76 degrees 01 minutes 26 seconds West, a chord distance of 0.96 feet) to a point,

thence leave the said southerly Right-of-Way of Central Park West and running along a curve to the right, and an arc distance of 19.18 feet (said curve having a radius of 79.00 feet, being subtended by a chord bearing North 71 degrees 41 minutes 32 seconds East, a chord distance of 19.13 feet) to a point;

thence run North 78 degrees 38 minutes 50 seconds East for a distance of 29.02 feet to a point;

thence along a curve to the right, and an arc distance of 29.14 feet (said curve having a radius of 400.00 feet, being subtended by a chord bearing North 81 degrees 35 minutes 46 seconds East, a chord distance of 29.14 feet) to a point;

thence run North 86 degrees 23 minutes 15 seconds East for a distance of 39.88 feet to a point;

thence run North 88 degrees 58 minutes 14 seconds East for a distance of 129.74 feet to a point;

thence run North 87 degrees 14 minutes 28 seconds East for a distance of 148.99 feet to a point;

thence along a curve to the right, and an arc distance of 56.42 feet (said curve having a radius of 34.50 feet, being subtended by a chord bearing South 45 degrees 54 minutes 30 seconds East, a chord distance of 50.34 feet) to a point;

thence run South 00 degrees 56 minutes 32 seconds West for a distance of 50.35 feet to a point;

thence run South 02 degrees 36 minutes 09 seconds West for a distance of 140.44 feet to a point;

thence along a curve to the left, and an arc distance of 119.69 feet (said curve having a radius of 652.37 feet, being subtended by a chord bearing South 03 degrees 19 minutes 21 seconds East, a chord distance of 119.53 feet) to a point;

thence along a curve to the left, and an arc distance of 78.10 feet (said curve having a radius of 458.50 feet, being subtended by a chord bearing South 16 degrees 27 minutes 26 seconds East, a chord distance of 78.01 feet) to a point;

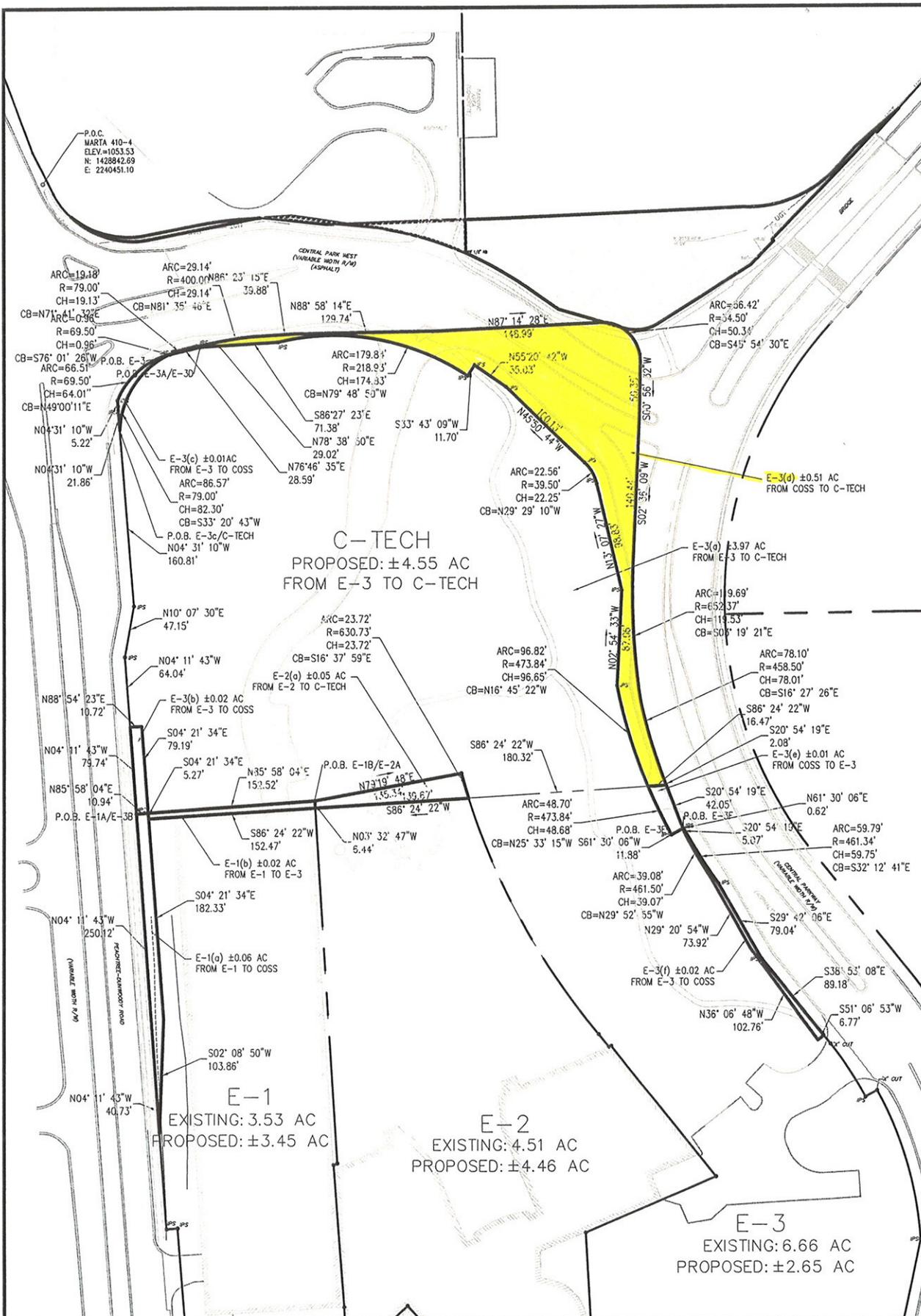
thence run South 20 degrees 54 minutes 19 seconds East for a distance of 2.08 feet to a point;

thence run South 86 degrees 24 minutes 22 seconds West for a distance of 16.47 feet to a point;

thence run along and coincident with the said westerly Right-of-Way line of Central Parkway along the following courses and distances; run along a curve to the right, and an arc distance of 96.82 feet (said curve having a radius of 473.84 feet, being subtended by a

chord bearing North 16 degrees 45 minutes 22 seconds West, a chord distance of 96.65 feet)
thence run North 02 degrees 54 minutes 33 seconds West for a distance of 87.06 feet to a point;
thence run North 13 degrees 07 minutes 27 seconds West for a distance of 98.83 feet to a point;
thence along a curve to the left, and an arc distance of 22.56 feet (said curve having a radius of 39.50 feet, being subtended by a chord bearing North 29 degrees 29 minutes 10 seconds West, a chord distance of 22.25 feet) to a point;
thence run North 45 degrees 50 minutes 44 seconds West for a distance of 100.13 feet to a point;
thence run North 55 degrees 20 minutes 42 seconds West for a distance of 35.03 feet to a point;
thence run South 33 degrees 43 minutes 09 seconds West for a distance of 11.70 feet to a point;
thence along a curve to the left, and an arc distance of 179.84 feet (said curve having a radius of 218.93 feet, being subtended by a chord bearing North 79 degrees 48 minutes 50 seconds West, a chord distance of 174.83 feet) to a point;
thence run South 86 degrees 27 minutes 23 seconds West for a distance of 71.38 feet to a point, said point being the TRUE POINT OF BEGINNING.

This being the same property as that labeled "E-3(d)" and highlighted in yellow on the survey excerpt attached hereto as Exhibit A-1 and incorporated herein by reference.



LAND TRANSFER EXHIBIT



SIX CONCOURSE PARKWAY
SUITE 1000
ATLANTA, GEORGIA 30328
TEL: 770-857-8400
FAX: 770-857-8401

COX C-TECH

PREPARED FOR
COX ENTERPRISES
6205 PEACHTREE DUNWOODY ROAD
ATLANTA, GEORGIA 30328

DATE: 06/18/10

SCALE: 1"=80'

PROJECT NO. 10-0004

SHEET: EXHIBIT 4

After recording return to:
Lawrence T. Humphrey, Esq.
Dow Lohnes PLLC
Six Concourse Parkway
Suite 1800
Atlanta, Georgia 30328

STATE OF GEORGIA

COUNTY OF _____

TAX PARCEL NO.: Portion of 17-0018-0009-015-3

QUITCLAIM DEED

THIS QUITCLAIM DEED, made the ____ day of _____, 2010, by **CITY OF SANDY SPRINGS**, a Georgia municipal corporation, hereinafter called Grantor, and **JMC-IV REAL ESTATE COMPANY**, a Georgia general partnership, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, legal representatives, successors, and assigns where the context requires or permits, whether voluntary by act of the parties, or involuntary by operation of law);

WITNESSETH :

That, Grantor, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency of which is hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto the said Grantee:

All of Grantor's right, title and interest, if any, in and to that certain tract or parcel of land lying and being in Land Lot 18 of the 17th Land District, Fulton County, Georgia being more particularly described on Exhibit A attached hereto and incorporated herein.

TOGETHER WITH all of Grantor's right, title and interest, if any, in all rights, members, easements, rights-of-way, strips and gores of land, streets, ways, alleys, passages, and appurtenances in any way belonging, relating, or appertaining to the Property.

TO HAVE AND TO HOLD the said described premises to Grantee, so that neither Grantor nor any person or persons claiming under Grantor shall, at any time, by any means or ways, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof.

SIGNATURES ON FOLLOWING PAGE

IN WITNESS WHEREOF, Grantor has signed and sealed this Quitclaim Deed as of the day, month, and year first above written.

Signed, sealed and delivered
in the presence of:

CITY OF SANDY SPRINGS,
a Georgia municipal corporation

Unofficial Witness

By: _____
Name: _____
Title: _____

Notary Public

[SEAL]

My Commission Expires:

[NOTARIAL SEAL]

EXHIBIT A

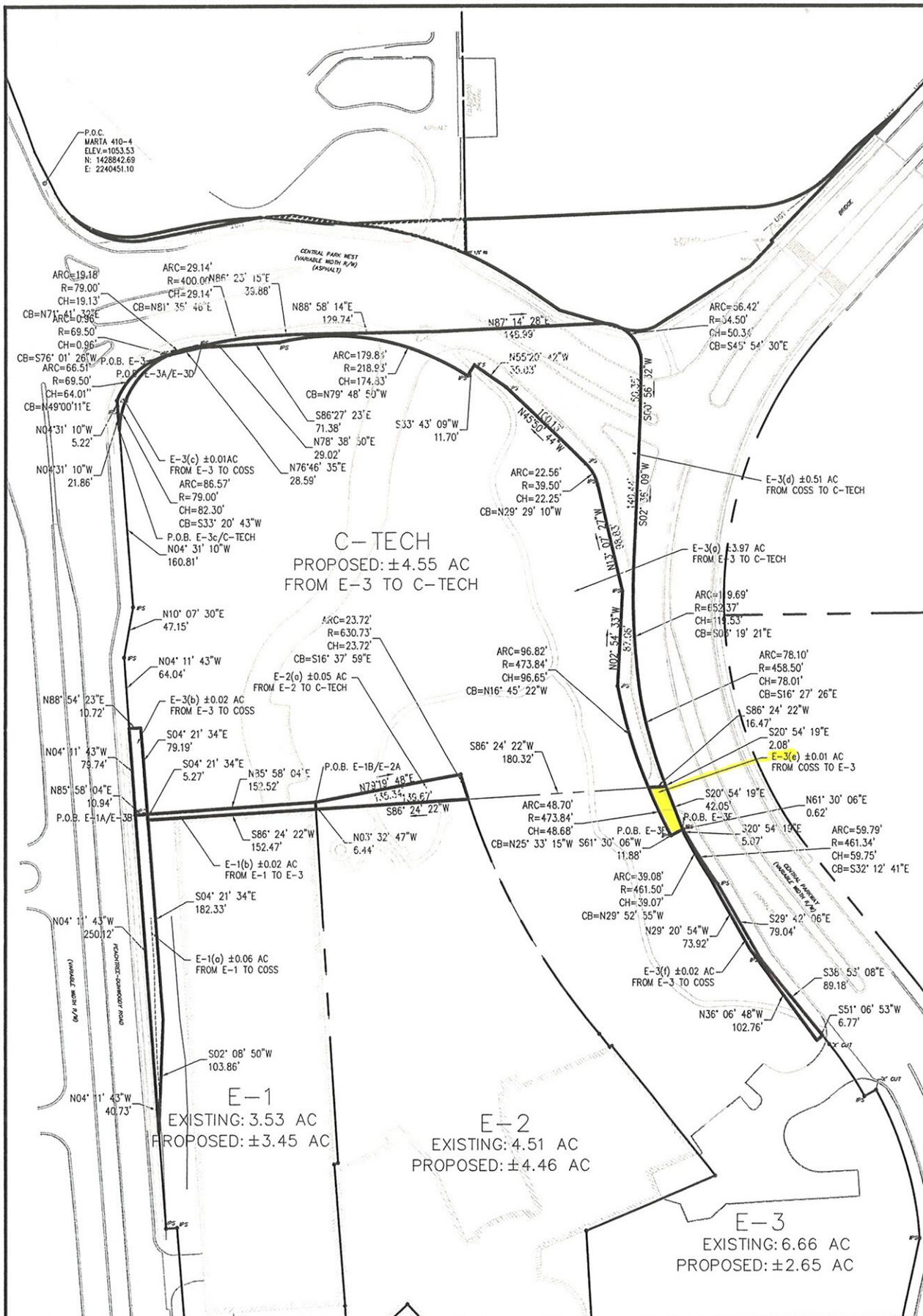
(LEGAL DESCRIPTION)

All that tract or parcel of land lying in Land Lot 18 of the 17th District, Fulton County, Georgia and being more particularly described as follows:

COMMENCE at MARTA Monument 410-4, located at the northeast corner of the intersection of Peachtree-Dunwoody Road and Central Park West (having a variable width Right-of-Way); thence run South 43 degrees 49 minutes 55 seconds East, a distance of 824.48 feet to a point, located on the westerly Right-of-way of Central Parkway (having a variable width Right-of-Way), said point being the TRUE POINT OF BEGINNING.

Thence run along and coincident with the said westerly Right-of-Way line of Central Parkway along the following courses and distances; along a curve to the right, and an arc distance of 48.70 feet (said curve having a radius of 473.84 feet, being subtended by a chord bearing North 25 degrees 33 minutes 15 seconds West, a chord distance of 48.68 feet) to a point,
thence leave the said westerly Right-of-Way of Central Parkway and run North 86 degrees 24 minutes 22 seconds East for a distance of 16.47 feet to a point;
thence run South 20 degrees 54 minutes 19 seconds East for a distance of 42.05 feet to a point located on the westerly Right-of-way of Central Parkway;
thence run along and coincident with the said westerly Right-of-Way line of Central Parkway along the following courses and distances; run South 61 degrees 30 minutes 06 seconds West for a distance of 11.88 feet to a point, said point being the TRUE POINT OF BEGINNING.

This being the same property as that labeled "E-3(e)" and highlighted in yellow on the survey excerpt attached hereto as Exhibit A-1 and incorporated herein by reference.



LAND TRANSFER EXHIBIT

LOWE
ENGINEERS

SIX CONCOURSE PARKWAY
SUITE 1000
ATLANTA, GEORGIA 30328
TEL: 770-857-8400
FAX: 770-857-8401

COX C-TECH

PREPARED FOR
COX ENTERPRISES
6205 PEACHTREE DUNWOODY ROAD
ATLANTA, GEORGIA 30328

DATE:	06/18/10
SCALE:	1"=80'
PROJECT NO.	10-0004
SHEET:	EXHIBIT 4