



TO: John McDonough, City Manager

FROM: Garrin M. Coleman, P.E., Public Works Director

DATE: August 8, 2016, for Submission onto the Consent Agenda of the August 16, 2016 Mayor and City Council Meeting

ITEM: Consideration of the Acceptance of the Dedication of Right of Way as part of the Development Regulations Ordinance requirements.

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**Recommendation:**

Staff recommends that the Mayor and City Council accept the right of way deed dedicating all that tract or parcel of land lying and located in Land Lot 121 of the 17<sup>th</sup> District, Fulton County, Georgia. The property as shown in the attached exhibits is being dedicated by the property owner, Middle Fairway, LLC, and is more specifically known as being 5400 Lake Forrest Drive. The dedicated right of way totals 13,693.00 square feet and is being dedicated as required by the Development Regulations Ordinance.

**Background:**

Section 103-75 of the Development Regulations specifies a minimum-required right of way width based on street classifications. Such width must be dedicated prior to the approval of a Final Plat or a Land Disturbance Permit submittal. Property-specific zoning conditions may increase or reduce the required right of way amount. Additionally, the right of way must be either the minimum width from centerline, 11' from the back of curb or 1' behind the sidewalk, whichever is greater.

Regarding the Final Plat Submittal at 5400 Lake Forrest Drive, the minimum required dedication along Lake Forrest Drive is 40' from the centerline, since Lake Forrest is classified as a collector street. Right of way is being dedicated along the parcel's Lake Forrest Drive frontage per the requirements/conditions of the Development Regulations Ordinance. The property owners have paid the recording fees and met the requirements of the Traffic/Transportation Unit of the Public Works Department and the City's Right of Way Specialist for the dedication of the right of way.

**Discussion:**

N/A

**Alternatives:**

N/A

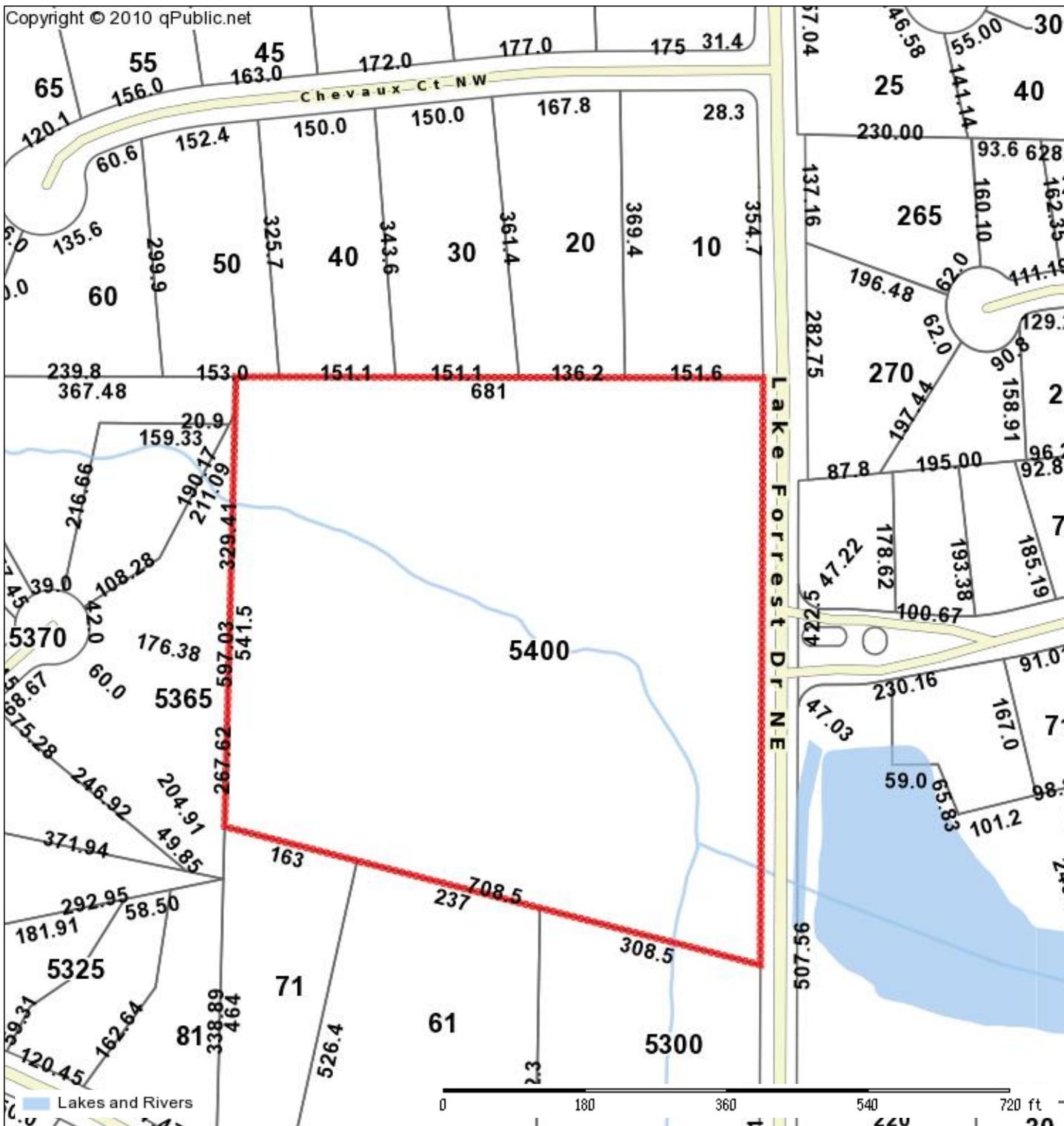
**Financial Impact:**

None. This is a dedication at no cost to the City.

**PUBLIC WORKS**

**Attachments:**

- I. Exhibits
  - Aerial and GIS Maps
  - Executed Right of Way Deed of Dedication including Plats and Legal Descriptions
- II. Resolution



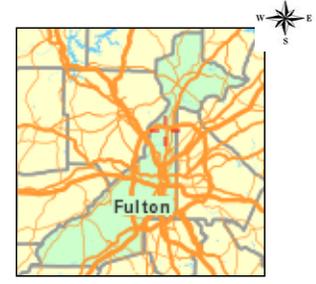
ROW Deed of Dedication			
Parcel: 17 0121 LL0058 Acres: 9.8			
Name:	MIDDLE FAIRWAY L L C	Land Value:	719700
Site:	5400 LAKE FORREST DR	Building Value:	125100
Sale:	\$500000 on 1995-09-29 Reason=9 Qual=U	Misc Value:	
Mail:	2131 E LAKE RD NE ATLANTA, GA 30307-1835	Total Value:	844800



Fulton County makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll.  
Date printed: 07/20/16 : 09:51:53



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Date printed: 07/20/16 : 09:52:39

AFTER RECORDING, PLEASE RETURN TO:  
City Clerk's Office  
7840 Roswell Road  
Building 500  
Sandy Springs, GA 30350

**RIGHT OF WAY DEED**  
(Dedication by Middle Fairway, LLC)

**STATE OF GEORGIA**  
**FULTON COUNTY**

THIS INDENTURE, made this 20<sup>th</sup> day of June, 2016, between Middle Fairway, LLC, as Grantor, and the City of Sandy Springs, GA, a municipal corporation of the State of Georgia, as Grantee.

WITNESSETH: That for and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration in hand paid, the receipt whereof is hereby acknowledged, Grantor does grant and convey unto Grantee, its successors and assigns, the following property, to wit:

That tract of land lying and being in Land Lot 121 of the 17<sup>th</sup> District of Fulton County, Georgia and being furthermore described in Deed Book 20217, Page 218.  
Furthermore, the property can be more particularly described in Exhibit "A" and shown on Exhibit "B" both hereby made part of by reference.

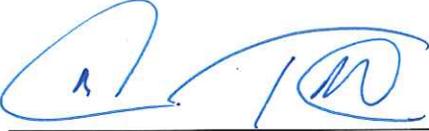
It is the intent of both parties that the City of Sandy Springs, Georgia, shall receive fee simple Right of Way along Lake Forrest Drive, with a total depth of 40 feet from existing centerline and equaling 13,693 square feet/ acres for the purpose of road improvements. This dedication is in conjunction with the City of Sandy Springs Community Development Department File No.: 201500654.

To have and to hold the bargained premises unto Grantee, its successors and assigns forever in fee simple.

Grantor(s) will forever warrant and defend the title to the bargained premises unto Grantee, its successors and assigns against the claims of all persons whomsoever.

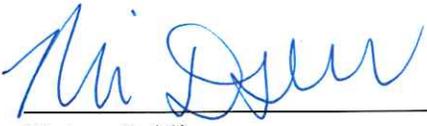
IN WITNESS WHEREOF Grantor has here unto caused this deed to be executed and its seal affixed hereto the day and year above written.

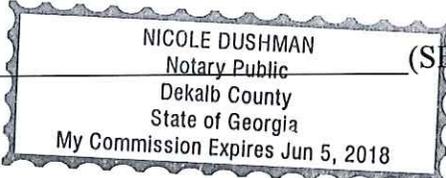
Signed, sealed and delivered in the presence of:

  
\_\_\_\_\_  
Unofficial Witness

By:  (SEAL)  
Name: Jason R. Chambers

Title: Member

  
\_\_\_\_\_  
Notary Public

Attest:  (SEAL)

## Exhibit A

EXHIBIT "A"

TRACT DESCRIPTION OF DEDICATED RIGHT-OF-WAY

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 121 OF THE 17<sup>th</sup> DISTRICT, FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A ½" REBAR FOUND LOCATED ON THE WESTERLY RIGHT-OF-WAY LINE OF LAKE FORREST DRIVE, SAID REBAR FOUND HAVING GEORGIA STATE PLANE WEST COORDINATES OF 2229656.92 FEET EAST AND 1419050.26 FEET NORTH, THENCE FROM THE POINT OF BEGINNING RUNNING NORTH 75 DEGREES 47 MINUTES 03 SECONDS WEST A DISTANCE OF 20.26 FEET TO A POINT; THENCE NORTH 00 DEGREES 08 MINUTES 13 SECONDS EAST A DISTANCE OF 694.51 FEET TO A POINT; THENCE SOUTH 88 DEGREES 56 MINUTES 55 SECONDS EAST A DISTANCE OF 19.65 FEET TO A POINT LOCATED ON SAID WESTERLY RIGHT-OF-WAY LINE OF LAKE FORREST DRIVE; THENCE RUNNING ALONG SAID RIGHT-OF-WAY LINE SOUTH 00 DEGREES 08 MINUTES 13 SECONDS WEST A DISTANCE OF 699.12 FEET TO SAID REBAR LOCATED AT THE POINT OF BEGINNING. SAID TRACT OR PECEL OF LAND CONTAINS 13,693 SQUARE FEET, BEING 0.314 ACRE.

*(Handwritten signature)*

# Exhibit B

**FIELD NOTE:**

FIELD INFORMATION FOR THIS SURVEY WAS OBTAINED WITH A THREE SECOND THEODOLITE AND AN ELECTRONIC DISTANCE METER. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURES AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 143,354 FEET.

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 48,708 FEET AND AN ANGULAR ERROR OF 3.5 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE METHOD.



**OWNER/DEVELOPER:**  
 MIDDLE FAIRWAY L.L.C.  
 5400 LAKE FORREST DRIVE  
 ATLANTA, GEORGIA 30342  
 404-784-0925

**ENGINEER:**  
 ACR ENGINEERING, INC.  
 600 PINNACLE COURT  
 SUITE 685  
 NORCROSS, GEORGIA 30071  
 CONTACT: ABBAS HEIDARI  
 (678) 291-0000

R1  
**APP REFERENCE #:** 201500654  
**TOTAL AREA OF DEDICATED RIGHT OF WAY**  
**= 13693 S.F. ( 0.314 ACRE)**

N/F  
 CAROLYN BYRD  
 D.B. 52729, PG. 446

1564.19' TO G.I.S. MONUMENT # 9922  
 EASTING: 2228261.81  
 NORTHING: 1416118.54  
 ELEVATION: 1054.26

N 75°47'03" W  
 20.26'

N25°26'54"E  
 3246.74'

N16°16'58"E  
 3228.21'

5400 LAKE FORREST DRIVE  
 TAX PAR. # 17-0121-LL0058  
 D.B. 20217, PG. 218  
 OWNER MAILING ADDRESS:  
 2131 E LAKE RD NE  
 ATLANTA, GA, 30307

"THE PADDOCKS"  
 NORTH  
 SUBDIVISION  
 P.B. 114, PG. 49  
 LOT 13

S 88°56'55" E  
 19.65'

694.51'

N 00°08'13" E

S 00°08'13" W  
 699.12'

P.O.B  
 1/2" REBAR FOUND  
 GA. STATE PLANE WEST  
 EASTING: 2229656.92  
 NORTHING: 1419050.26

LAKE SUMMIT  
 DRIVE

LAKE FORREST DRIVE  
 D.B. 52729, PG. 446 40 R/W

APPROX LAND.  
 LOT LINE

2056.44' TO G.I.S. MONUMENT # 9923  
 EASTING: 2228751.80  
 NORTHING: 1415951.53  
 ELEVATION: 1034.04

**GRAPHIC SCALE**



( IN FEET )

1 inch = 100 ft.

**APP REFERENCE**  
**# 201500654**

*THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, CLAIMS, PRESCRIPTIONS, SUBSURFACE CONDITIONS, OR OTHER MATTERS OF TITLE WHICH ARE NOT VISIBLE, NOT RECORDED, OR NOT DISCLOSED IN THE TITLE COMMITMENT PROVIDED BY THE OWNER, THE PURCHASER, OR ANY AGENTS THEREOF.*

*Handwritten signature/initials in blue ink.*

**EXHIBIT "B"**  
**RIGHT OF WAY DEDICATION PLAT**  
**FOR**  
**5400 LAKE FORREST DRIVE**  
 L.L. 121; 17TH DIST.  
 CITY OF SANDY SPRINGS  
 FULTON COUNTY, GEORGIA

**ACR Engineering, Inc.**  
 ATLANTA COMMERCIAL & RESIDENTIAL ENGINEERING  
 600 PINNACLE COURT  
 SUITE 685  
 NORCROSS, GA 30071  
 TEL (678) 291-0000  
 FAX (678) 291-8687

Revision/Issue	APP REFERENCE NUMBER
	6/17/16

DATED: 3/14/2016

STATE OF GEORGIA  
COUNTY OF FULTON

**A RESOLUTION TO ACCEPT THE DEDICATION OF RIGHT OF WAY  
ON PROPERTY LOCATED IN LAND LOT 121 OF THE 17<sup>th</sup> DISTRICT,  
FULTON COUNTY, CITY OF SANDY SPRINGS, 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

**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 dedication of a Right of Way Deed from Middle Fairway, LLC on property more particularly described as being 5400 Lake Forrest Drive, Sandy Springs, Georgia.

As required per conditions of the Development Regulations Ordinance, the City authorizes the acceptance of the required 13,693.00 square feet of Right of Way along Lake Forrest Drive in land lot 121 of the 17<sup>th</sup> District, Fulton County, City of Sandy Springs, Georgia.

**RESOLVED** this the 16<sup>th</sup> of August, 2016.

Approved:

\_\_\_\_\_  
Russell K. Paul, Mayor

Attest:

\_\_\_\_\_  
Michael Casey, City Clerk  
(Seal)