



TO: John McDonough, City Manager

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

DATE: August 24, 2016, for Submission onto the Consent Agenda of the September 6, 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 related to Community Development File #MP-00001.

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 166 of the 17th District, Fulton County, Georgia. The property as shown in the attached exhibits is being dedicated by the property owner, Powers Ferry Ventures, LLC, and is more specifically known as being 5745, 5755, and 5765 Powers Ferry Road. The dedicated right of way totals 5,617.00 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 an Exemption Plat, 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 Exemption Plat Submittal for these properties (CD File #MP-00001), the minimum required dedication along Lake Forrest Drive is 40' from the centerline, since Powers Ferry Road is classified as a collector street. Right of way is being dedicated along the parcels' Powers Ferry Road frontage per the requirements/conditions of the Development Regulations Ordinance. The property owner has paid the recording fees and met the requirements of the Transportation Services 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

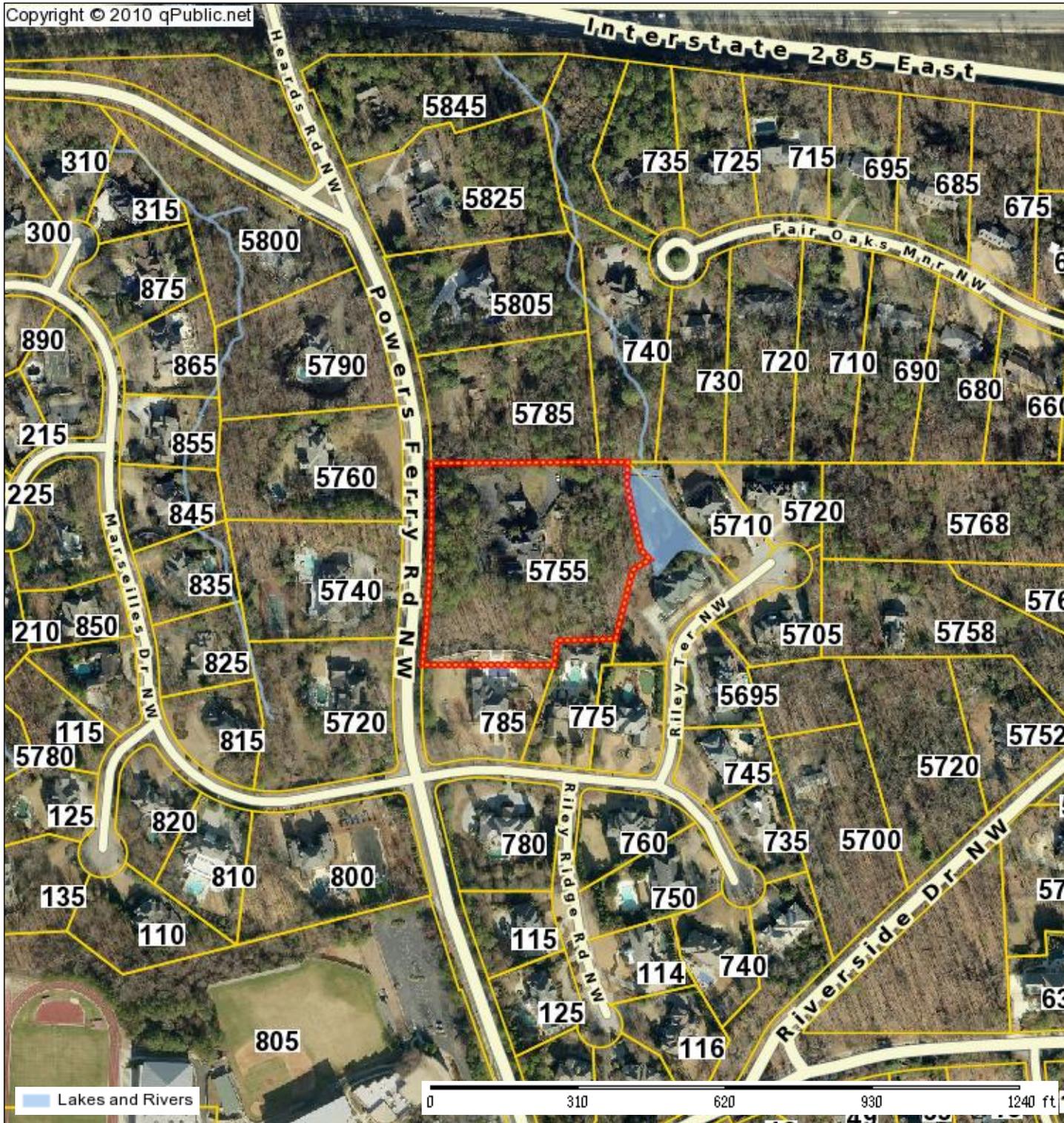
Financial Impact:

PUBLIC WORKS

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

Attachments:

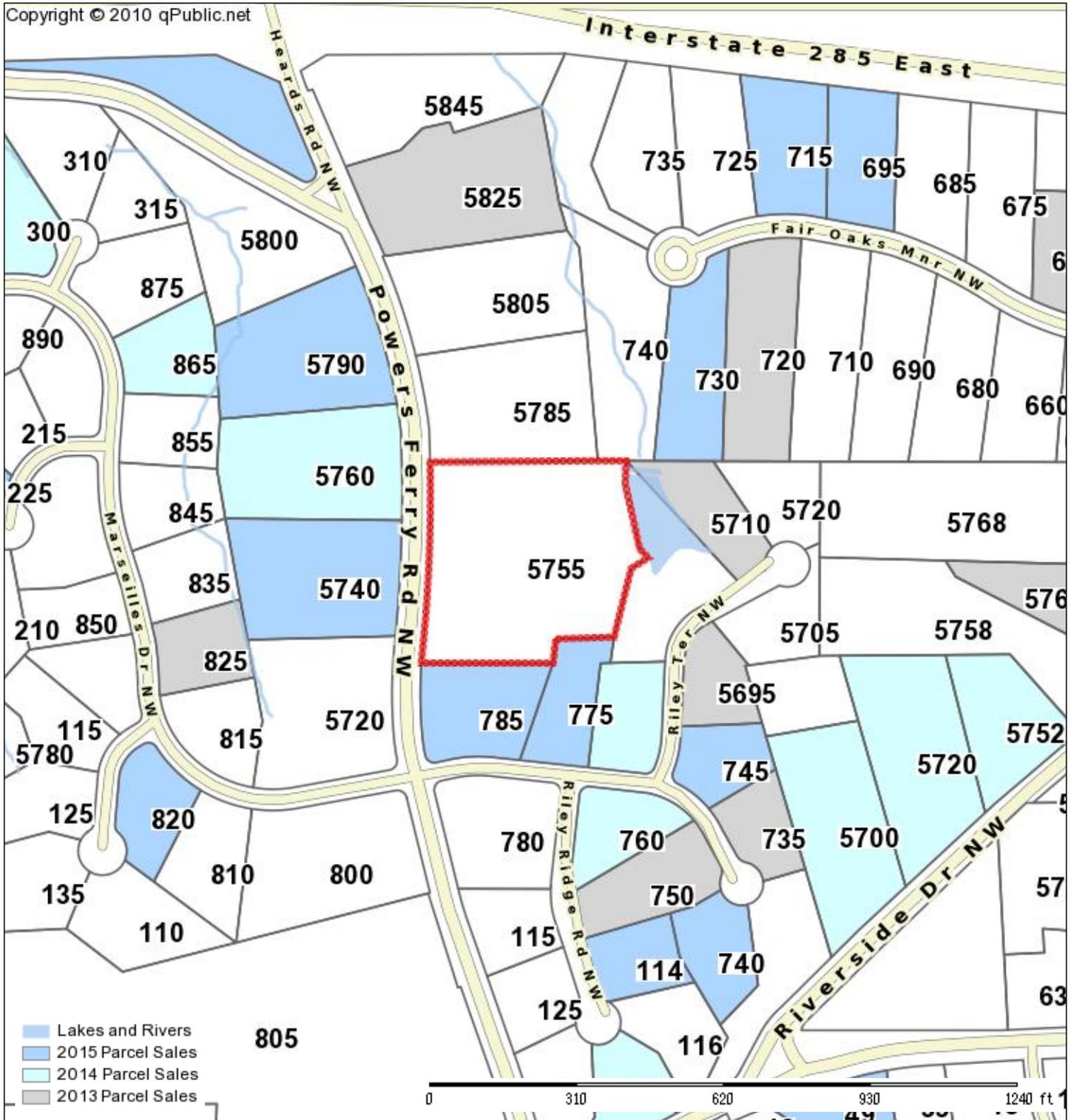
- I. Exhibits
 - Aerial and GIS Maps
 - Executed Right of Way Deed of Dedication including Plats and Legal Descriptions
- II. Resolution



Powers Ferry Venture LLC / ROW Deed of Dedication			
Parcel: 17 0166 LL0518 Acres: 3.87			
Name:	SCHRANK ANA	Land Value:	563700
Site:	5755 POWERS FERRY RD	Building Value:	1238900
Sale:	\$0 on 2012-07-18 Reason=T Qual=U	Misc Value:	
Mail:	5755 POWERS FERRY RD NW ATLANTA, GA 30327	Total Value:	1802600



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: 08/23/16 : 10:47:51



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

RIGHT OF WAY DEED
(Dedication by Corporate, LLC, etc. Owner)

STATE OF GEORGIA
FULTON COUNTY

THIS INDENTURE, made this 11 day of MARCH, 2016, between POWERS FERRY VENTURE, 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 166 of the 17 th District of Fulton County, Georgia and being furthermore described in Deed Book 55789, Page 436.
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 POWERS FERRY Rd., with a total depth of 40 feet from existing centerline and equaling 5,617/.129 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.: MP-00001.

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: POWERS FERRY VENTURE LLC
Mary Shell (SEAL)

Name: GARY ONEIL

Title: MANG. MEMBER



Notary Public

Attest: _____ (SEAL)



LEGAL DESCRIPTION RIGHT-OF-WAY

ALL THAT TRACT OR PARCEL OF LAND LYING IN AND BEING IN LAND LOT 166 OF THE 17TH FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF POWERS FERRY ROAD AND NORTHERLY RIGHT-OF-WAY OF RILEY PLACE ROAD (44' RIGHT-OF-WAY) AT AN IF EXTENDED, CALCULATED POINT, RUNNING THENCE 220.82' ALONG THE EASTERLY RIGHT-OF-WAY TO A ONE HALF INCH REBAR SET, SAID REBAR BEING THE TRUE POINT OF BEGINNING.

WITH THE TRUE POINT OF BEGINNING AS THUS BEING ESTABLISHED:
THENCE RUNNING NORTH 04 DEGREES 32 MINUTES 38 SECONDS EAST A DISTANCE OF 75.16 FEET TO A POINT; THENCE RUNNING ALONG AN A CURVE TO THE LEFT AN ARC DISTANCE OF 345.15' TO A ONE HALF INCH REBAR FOUND AT THE NORTHWESTERLY CORNER OF PARCEL AND BEING COMMON TO LANDS NOW OR FORMERLY OWNED BY LYNNE HENDERSON MARKS (DB 29346, PG 156), SAID ARC BEING SUBTENDE BY A CHORD BEARING OF NORTH 01 DEGREES 45 MINUTES 17 SECONDS EAST WITH A CHORD DISTANCE OF 344.89' AND HAVING A 2584.04 FOOT RADIUS; THENCE DEPARTING THE EASTERLY RIGHT-OF-WAY OF POWERS FERRY ROAD (APPARENT 50' RIGHT-OF-WAY) AND RUNNING SOUTH 89 DEGREES 53 MINUTES 24 SECONDS EAST A DISTANCE OF 14.76' TO A ONE HALF INCH REBAR SET 40.0' FROM EXISTING CENTERLINE OF ROAD: THENCE RUNNING ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 38.35' FEET TO A POINT, SAID ARC BEING SUBTENDE BY A CHORD BEARING OF SOUTH 01 DEGREES 36 MINUTES 21 SECONDS EAST WITH A CHORD DISTANCE OF 38.35' AND HAVING A 1291.00' RADIUS; THENCE RUNNING ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 102.16' TO A ONE HALF INCH REBAR SET AT THE LINE DIVIDING LOTS 1 AND 2, SAID ARC BEING SUBTENDE BY A CHORD BEARING OF SOUTH 00 DEGREES 55 MINUTES 34 SECONDS WEST WITH A CHORD DISTANCE OF 102.16' AND HAVING A 3903.00' RADIUS; THENCE RUNNING ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 128.83' TO A ONE HALF INCH REBAR SET AT THE LINE DIVIDING LOTS 2 AND 3 , SAID ARC BEING SUBTENDE BY A CHORD BEARING OF SOUTH 02 DEGREES 37 MINUTES 18 SECONDS WEST WITH A CHORD DISTANCE OF 128.83' AND HAVING A 3903.00' RADIUS; THENCE RUNNING ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 50.91' TO A POINT, SAID ARC BEING SUBTENDE BY A CHORD BEARING OF SOUTH 03 DEGREES 56 MINUTES 27 SECONDS WEST WITH A CHORD DISTANCE OF 50.91' AND HAVING A 3903.00' RADIUS; THENCE RUNNING SOUTH 03 DEGREES 57 MINUTES 15 SECONDS WEST A DISTANCE OF 99.95' TO A ONE HALF INCH REBAR SET; THENCE RUNNING NORTH 89 DEGREES 50 MINUTES 07 SECONDS WEST A DISTANCE OF 14.42' TO THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL BEING 5,617 SQUARE FEET OR 0.129 ACRES, MORE OR LESS.

STATE OF GEORGIA
COUNTY OF FULTON

**A RESOLUTION TO ACCEPT THE DEDICATION OF RIGHT OF WAY
ON PROPERTY LOCATED IN LAND LOT 166 OF THE 17th 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 Powers Ferry Ventures, LLC on properties more particularly described as being 5745, 5755 and 5765 Powers Ferry Road, Sandy Springs, Georgia. This dedication is associated with Community Development File #MP-00001.

As required per conditions of the Development Regulations Ordinance, the City authorizes the acceptance of the required 5,617.00 square feet of Right of Way along Powers Ferry Road in land lot 166 of the 17th District, Fulton County, City of Sandy Springs, Georgia.

RESOLVED this the 6th of September, 2016.

Approved:

Russell K. Paul, Mayor

Attest:

Michael Casey, City Clerk
(Seal)