



To: Honorable Mayor and City Council Members

From: Wendell K. Willard

Date: For Submission on the November 1, 2016 City Council Meeting Agenda

Item: Resolution to authorize the purchase of property located at 0 Hilderbrand Drive (also known as 170 Hilderbrand Drive) (Parcel ID: 17-0089-0005-009-4) in Sandy Springs ("Property")

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***City Attorney's Recommendation:***

I recommend that Council approve the attached resolution confirming the purchase of the above-referenced Property.

***Background and Discussion:***

The Property is owned by WB Holdings-Hilderbrand, LLC ("Owner"). The Property is a vacant lot and is within the scope of the City Center Master Plan. In September, 2016, City Council authorized me to proceed in eminent domain to acquire the Property, should continuing negotiations fail. These negotiations have proved successful, and a settlement has been reached with the Owner for the City to purchase the Property in fee simple for \$400,000. To meet the current construction schedule for the Project the Property was closed on October 31, 2016.

***Attachments:***

Resolution to confirm the negotiated fee simple purchase price of the Property from the Owner in the amount of \$400,000.

***Alternatives:***

Determine not to approve the settlement amounts as described in this memorandum.

**RESOLUTION NO. 2016-\_\_-\_\_**

**STATE OF GEORGIA  
COUNTY OF FULTON**

**A RESOLUTION TO AUTHORIZE THE PURCHASE OF PROPERTY LOCATED AT 0 HILDERBRAND DRIVE (ALSO KNOWN AS 170 HILDERBRAND DRIVE) IN SANDY SPRINGS, GEORGIA (PARCEL ID: 17-0089-0005-009-4)**

**WHEREAS**, the City of Sandy Springs (“City”) has determined that it is necessary to develop a City center and infrastructure project (“Project”); and

**WHEREAS**, the property located at 0 Hilderbrand Drive (also known as 170 Hilderbrand Drive), in Sandy Springs (“Property”) (Parcel ID: 17-0089-0005-009-4) is property within the scope of the Project, and therefore the City desires to acquire fee simple interest in the Property to accomplish the Project; and

**WHEREAS**, the Property is owned by WB Holdings-Hilderbrand, LLC (“Owner”); and

**WHEREAS**, the City and the Owner have in good faith agreed upon a purchase price of Four Hundred Thousand and 00/100 Dollars (\$400,000.00) for fee simple interest in the Property; and

**WHEREAS**, Mayor and Council have considered the Property acquisition and have determined it to be in the City’s best interest;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Sandy Springs, Georgia, while in regular session on November 1, 2016, at 6:00 p.m. as follows:

1. Council hereby concurs in the purchase of the Property located at 0 Hilderbrand Drive (also known as 170 Hilderbrand Drive), in Sandy Springs (Parcel ID: 17-0089-0005-009-4), more fully described in Exhibit “A” attached hereto and incorporated herein by reference, from the Owner in the amount of \$400,000.00.
2. The City Attorney is authorized to execute or cause to be executed by appropriate City representatives all documents required to close this transaction.
3. The City Attorney is authorized to take such other actions deemed necessary to effectuate the intent of this resolution.

**RESOLVED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Approved:

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

Attest:

\_\_\_\_\_  
Michael Casey, City Clerk

(SEAL)

## EXHIBIT "A"

### PROPERTY DESCRIPTION

ALL THAT TRACT or parcel of land lying and being in Land Lot 89 of the 17th District of Fulton County, Georgia, and being Lot 40 and the eastern one-half of Lot 39 of the E. S. Hilderbrand Subdivision Property, and being more particularly described as follows:

BEGINNING at a 2 inch rebar found on the north side of Hilderbrand Drive (60 foot right-of-way), which point is located 631 feet west of the intersection of the northern side of Hilderbrand Drive with the western side of Roswell Road, as measured along the northern side of Hilderbrand Drive (which point is the same point as the point of beginning in that certain Deed, dated December 17, 1997, and recorded in Deed Book 23670, Page 137 of the Fulton County Records, from Mary Katherine Bell to William D. Galusha and Lynn H. Galusha; the difference in the distance from Roswell Road being due to the widening of Roswell Road, according to the surveyor referred to below); and

running thence North 07 degrees 50 minutes 23 seconds East a distance of 147.76 feet to a 2 inch rebar found; running thence South 87 degrees 00 minutes 35 seconds West a distance of 75.13 feet to a 2 inch rebar found; running thence South 08 degrees 00 minutes 00 seconds West a distance of 144.83 feet to a 2 inch rebar found on the north side of Hilderbrand Drive; running thence North 89 degrees 16 minutes 18 seconds East along said northerly right-of-way of Hilderbrand Drive for a distance of 75.03 feet to a 2 inch rebar found, said point being the point of beginning;

being a vacant tract on Hilderbrand Drive as shown on plat of survey prepared by Travis Pruitt & Associates, Inc., Travis N. Pruitt, Sr., Georgia Registered Land Surveyor #1729, for William B. Orkin, and Chicago Title Insurance Company, dated April 22, 2000, and being the same property conveyed by the Warranty Deed from Mrs. J.L. Sauls to Evelyn M. Sauls on September 30, 1965 and recorded in Deed Book 4495, Page 160 of the Fulton County Deed Records.