RESOLUTION NO. 2013-06-37

STATE OF GEORGIA
COUNTY OF FULTON

A RESOLUTION TO AUTHORIZE THE USE OF EMINENT DOMAIN TO ACQUIRE PROPERTY LOCATED AT 6224 ROSWELL ROAD, N.E., SANDY SPRINGS, GEORGIA, PARCEL ID: 17-0089-0004-027-7 FOR PUBLIC USE

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

WHEREAS, on December 18, 2012, the City adopted a City Center Master Plan following a comprehensive study conducted by an independent firm; and

WHEREAS, the City Center Master Plan contemplates acquisition by the City of certain property within the City limits for use as, among other things, a City government complex, green space, parks and rights-of-way for channels of trade and travel; and

WHEREAS, such uses constitutes "public use" within the meaning of O.C.G.A. § 22-1-1, et seq. ("Act"); and

WHEREAS, the property located at 6224 Roswell Road ("Property") 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 City Attorney has caused to be conducted an appraisal of the Property and the owner or his/her designated representatives were given an opportunity to accompany the appraiser during inspection of the property; and

WHEREAS, the City has offered the owner of the Property its January 17, 2013 appraised value of $440,000.00 to acquire fee simple title; and

WHEREAS, the City has funds available to purchase the Property; and

WHEREAS, the City Attorney has made every reasonable effort to acquire the Property expeditiously by negotiation; and

WHEREAS, the City has been unable to reach an agreement with the Property owner to acquire the Property; and

WHEREAS, the Mayor and City Council deem it in the public interest to acquire fee simple title to the Property to insure timely implementation and completion of the Project consistent with the City Center Master Plan; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sandy Springs, Georgia, while in regular session on June 18, 2013, at 6:00 p.m. as follows:

1. The Council hereby authorizes the City Attorney's Office to acquire, through the use of eminent domain by any method allowed by law, the Property, located at 6224 Roswell Road, in order to insure the timely completion of the Project.

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, being a tract of land containing 0.35 acres as per survey for George Cotsakis, prepared by John J. Harte Associates, Inc., Engineers and Surveyors, dated June 20, 1968; and revised August 1, 1968, recorded in Plat Book 90, page 37, and re-recorded in Plat Book 90, page 52, in the Office of the Clerk of the Superior Court of Fulton County, Georgia, and being more particularly described as follows:

Beginning at the intersection on the Southwestern side of Johnson Ferry Road, having a right of way of 40 feet in width, and the Western side of Roswell Road, having a right of way of 65 feet in width, said POINT OF BEGINNING being marked by an iron pin; thence run along the Western side of Roswell Road and following the curvature thereof, a distance of 89.50 feet, the chord line of which is South 00 degrees 09 minutes 14 seconds West, a distance of 89.51 feet, to an iron pin; thence run North 87 degrees 15 minutes 56 seconds West, a distance of 156.22 feet to the Southeastern side of a 15-foot alley; thence run North 10 degrees 55 minutes 4 seconds East, along the Southeastern side of said alley, a distance of 120.61 feet to an iron pin located on the Southwestern side of Johnson Ferry Road; thence run South 74 degrees 44 minutes 56 seconds East, along the Southwestern side of Johnson Ferry Road, a distance of 138.31 feet to the iron pin located on the Western side of Roswell Road and the POINT OF BEGINNING; being more particularly described and shown on plat of survey made by Travis Pruitt & Associates, P.C., Engineers and Surveyors, dated August 18, 1975.

Being the same property described in Lease between George Cotsakis and Church's Fried Chicken, Inc., dated April 25, 1975, filed for record February 4, 1976, recorded in Deed Book 6422, Page 345, in the Office of the Clerk of the Superior Court of Fulton County, Georgia.

LESS AND EXCEPT, all that tract or parcel of land lying and being in Land Lot 89 of the 17th District, Fulton County, Georgia, and being more particularly described as follows:

Beginning at the Southwest corner of the intersection of Johnson Ferry Road and Roswell Road and running thence in a Westerly direction along the present Southerly side of Johnson Ferry Road 138 feet to a point on said South side of Johnson Ferry Road; thence in a Southerly direction and along an alley 15 feet to a point; thence Westerly and paralleling the South side of Johnson Ferry Road 141 feet to a point on the Westerly side of Roswell Road; thence Northerly 15 feet along said Westerly side of Roswell Road to the corner of Johnson Ferry Road and the POINT OF BEGINNING; said tract being the same tract as conveyed by George Cotsakis to Fulton County by Warranty Deed dated May 12, 1981, and recorded at Deed Book 7850, Page 239, Fulton County, Georgia, deed records.

2. The Mayor is specifically authorized to execute any documents necessary to further the filing of any petition related to the same.

3. The Property sought to be acquired is more fully described in Exhibit "A" attached hereto and incorporated herein by reference.

RESOLVED this the 18th day of June, 2013.

Approved:

Eva Galambos, Mayor

Attest:

Michael Casey, City Clerk

(Seal)