



## **CITY OF DUNWOODY**

41 Perimeter Center East, Suite 250

Dunwoody, GA 30346

Phone: 678.382.6700 • Fax: 678.382.6701

[www.dunwoodyga.gov](http://www.dunwoodyga.gov)

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# **MEMORANDUM**

**To:** Mayor and City Council

**From:** Warren Hutmacher, City Manager

**Date:** July 12, 2010

**Subject:** Roberts Drive Property Donation

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## **BACKGROUND**

In April of this year, the City of Dunwoody was offered a small parcel of land near the intersection of Witham Drive and Roberts Drive totaling .4 acres as a possible donation from the North Atlanta Church of Christ. Council at that time requested that staff prepare the proper documents for transfer, if Council wishes to proceed.

## **ANALYSIS**

The City Attorney has prepared the necessary Warranty Deed to affect the transfer of property at no cost to the City of Dunwoody. The City Council would need to pass a resolution accepting the property as a donation at the July meeting, contingent upon the findings of a Phase 1 environmental assessment of the property. Additionally, the Church would need to execute the warranty deed. Once that deed is filed, the City would own the property.

## **RECOMMENDATION**

The property would be acceptable for use as “preserved property”, but would offer little as a “pocket park” due to the stream buffer requirements that would limit the use of the property. Additionally, the property is in between three residential properties and has been perpetually in use as green space. Staff has concerns about accepting this property for donation due to the fact that it will almost certainly remain as green space due to its unique characteristics that make it undevelopable as a buildable lot. The property is currently a taxable lot of record.

Attachments:

Warranty Deed

Map of stream buffer area

This instrument prepared by:  
Brian Anderson  
City Attorney, City of Dunwoody  
41 Perimeter Center East, Suite 250  
Dunwoody, Georgia 30346

**WARRANTY DEED / DEED OF GIFT**

THIS DEED, made this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by and between NORTH ATLANTA CHURCH OF CHRIST, INC., hereinafter called the "Grantor," in favor of the CITY OF DUNWOODY, a political subdivision of the State of Georgia, hereinafter called the "Grantee,"

WITNESSETH THAT:

The Grantor, in consideration of the work carried on by the Grantee and other good and valuable consideration, the receipt of which is hereby acknowledged by the Grantor, does hereby give, grant, transfer and convey unto the Grantee, in fee simple:

ALL THAT TRACT or parcel of land lying and being in the Land Lots 378 and 379, in the 18th District of DeKalb County, Georgia, being Lot 2, Block A, Unit One, of Withmore Subdivision as per plat recorded in Plat Book 57, Page 157, DeKalb County Records. Said property being a vacant lot known as 5547 Roberts Drive according to the system of numbering houses in DeKalb County, Georgia.

And the reversions, remainders, rents, issues, and profits thereof and all of the estate, right, title, and interest of the Grantor, but at law and in equity, therein and thereto;

TO HAVE AND TO HOLD the same, together with all rights, easements, privileges, and appurtenances thereon and thereunto belong or appertaining or held and enjoyed therewith, unto the Grantee according to the tenancy hereinafter set forth, forever.

The Grantor does hereby covenant with the Grantee that the Grantor is seised of the property herein described in fee simple; that said property is free and clear of and from all liens and encumbrances, except for the lien of real property taxes not yet by law required to be paid, and except as may herein specifically be set forth, that the Grantor has good right to sell and convey said property, as aforesaid; and, that the Grantor will WARRANT AND DEFEND the same unto the Grantee against the lawful claims and demands of all persons, except as aforesaid.

This conveyance and the warranties of the Grantor are expressly declared to be in favor of the Grantee.

The rights and obligations of the Grantor and the Grantee shall be binding upon and inure to the benefit of their respective heirs, devisees, personal representatives, successors, and

assigns. All obligations undertaken by two or more persons shall be deemed to be joint and several unless a contrary intention is clearly expressed elsewhere herein.

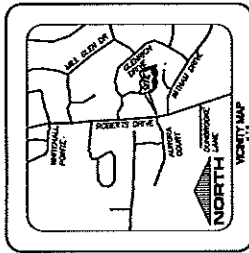
IN WITNESS WHEREOF, the Grantor and the Grantee have executed these presents on the day and year first above written.

Signed, sealed, and delivered in the presence of:

\_\_\_\_\_  
WITNESS

\_\_\_\_\_, (SEAL)  
\_\_\_\_\_, GRANTEE

\_\_\_\_\_  
NOTARY PUBLIC



REFERENCES:  
 1) RECORDS RECORDED IN DEED BOOK 10436,  
 PAGE 25, OKLAHOMA COUNTY RECORDS.  
 2) PLAT FOR WITHAMORE SUBDIVISION RECORDED IN PLAT  
 BOOK 57, PAGE 157, OKLAHOMA COUNTY RECORDS.

NO PORTION OF SUBJECT PROPERTY  
 AND ADJACENT PROPERTY IS  
 LOCATED WITHIN A  
 FLOOD HAZARD AREA AS DEPICTED ON  
 FLOOD MAP NO. 1308000000000000  
 DATED MAY 7, 2001.

# LEGEND

- NTS = NOT TO SCALE
- PL = PLAT
- LL = LAND LOT LINE
- CL = CENTERLINE
- BL = BUILDING LINE
- SL = SURVEY LINE
- SW = SURVEY WITHIN EASEMENT
- SE = SURVEY EASEMENT
- MA = MANHOLE
- TR = TRANSITION BOX
- HW = HEADWALL
- PO = POWER/UTILITY POLE
- PH = FIRE HYDRANT
- ST = STREET LIGHT
- OT = OPEN TOP PIPE
- FE = FINISHED FLOOR ELEVATION
- CE = CEMENT
- ST = SANITARY SEWER LINE/TYPE
- ST = STORM SEWER LINE/TYPE
- NT = NOW OR FORMERLY
- PO = POINT OF BEGINNING
- PO = POINT OF COMMENCEMENT

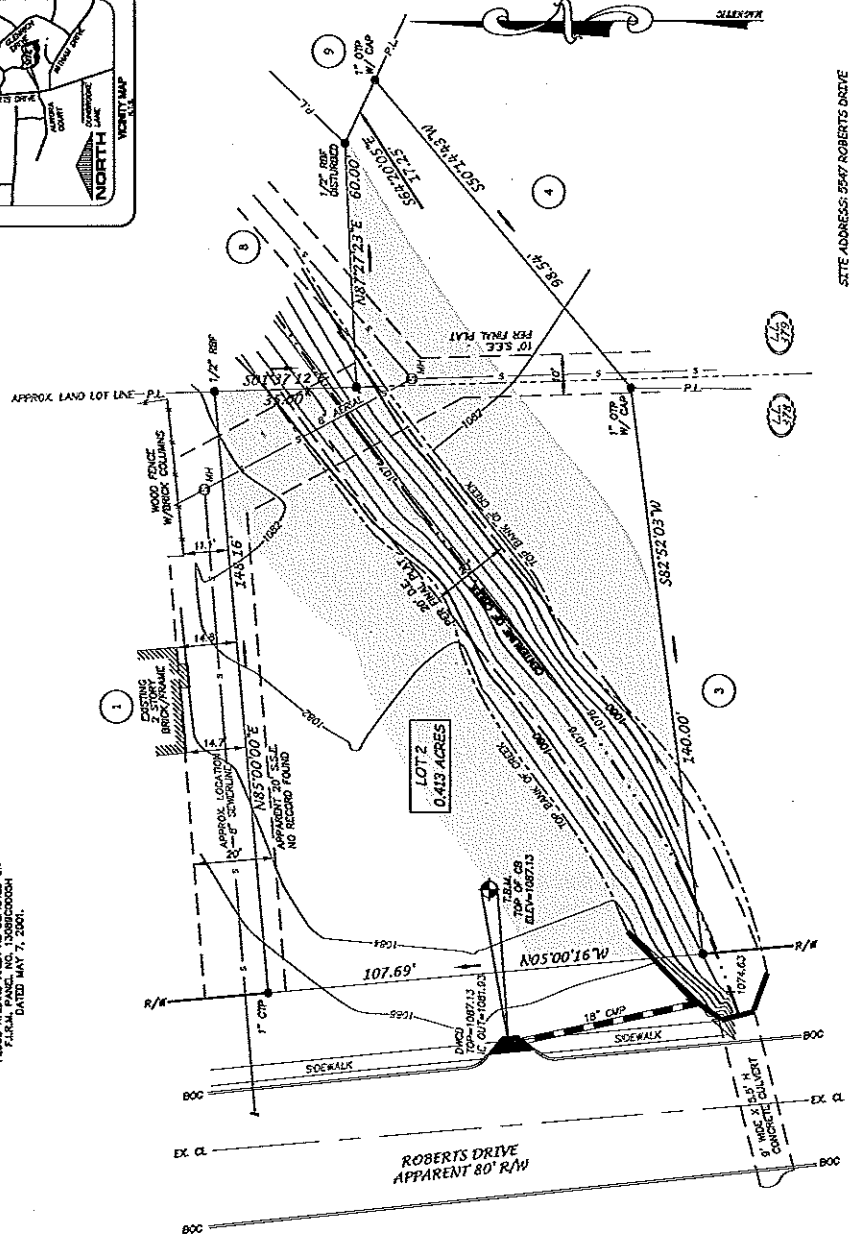
A LEICA TOPCON 1205 TOTAL STATION WAS  
 USED TO OBTAIN THE LINEAR AND ANGULAR  
 MEASUREMENTS USED IN THE PREPARATION  
 OF THIS PLAT.  
 THE FIELD DATA UPON WHICH THIS MAP OR  
 PLAT WAS PREPARED WAS OBTAINED BY  
 MEASUREMENTS OF ONE FOOT IN 10,000  
 FEET AND AN ANGULAR ERROR OF 6"  
 PER FOOT. THE MEASUREMENTS WERE  
 CHECKED BY THE SURVEYOR USING  
 THE LEAST SQUARES METHOD.  
 THIS MAP OR PLAT HAS BEEN CALCULATED  
 FOR CLOSURE AND IS FOUND TO BE  
 ACCURATE WITHIN ONE FOOT IN 75,000  
 FEET AND CONTAINS 0.413 ACRES.

GRAPHIC SCALE



( IN FEET )  
 1 INCH = 20 FT.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS,  
 OR ENTITY NAMED IN THE CERTIFICATE HEREON. SAID CERTIFICATE DOES NOT  
 EXTEND TO ANY UNNAMED PERSON OR PERSONS.  
 THE SURVEYOR MAKING SAID PERSON.



SITE ADDRESS: 2547 ROBERTS DRIVE

BOUNDARY SURVEY FOR

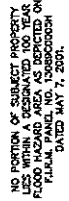
NORTH ATLANTA CHURCH OF CHRIST, INC.

IN MY OPINION, THIS PLAT IS A CORRECT  
 REPRESENTATION OF THE LAND PLATTED  
 AND HAS BEEN PREPARED IN CONFORMITY  
 WITH THE OATH, REQUIREMENTS AND  
 REQUIREMENTS OF THE LAW.

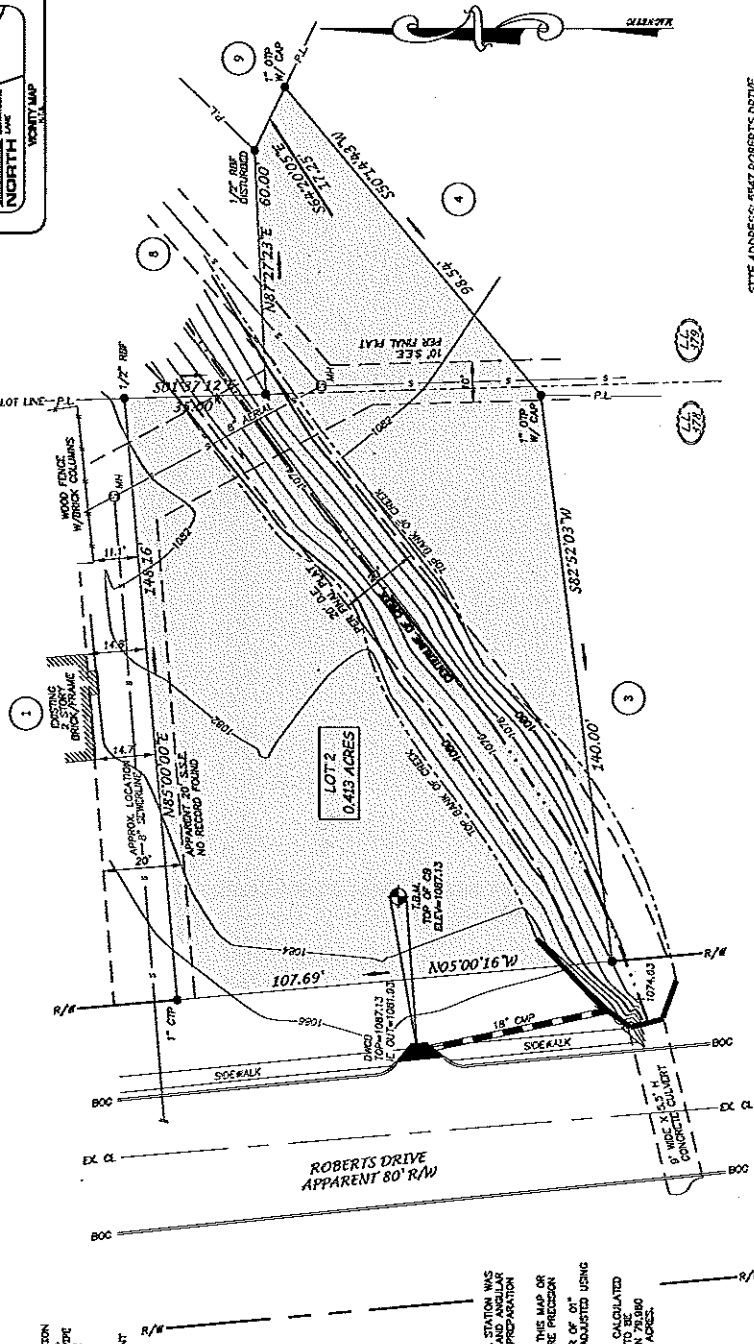
MADE BY SURVEYING AND MAPPING  
 SOCIETY OF OKLAHOMA

1/19/07 378/370 10TH  
 OKLAHOMA COUNTY, OK 1"-20'  
 07003 1 OF 1  
 BWS

For: Wode's (07003) 07003.dwg

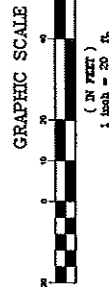


- LEGEND**
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A LEICA TOPP-205 TOTAL STATION WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAN.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 79,080 FEET AND CONTAINS 0.413 ACRES.



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SITE ADDRESS: 5547 ROBERTS DRIVE

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MEMBER SURVEYING AND MAPPING  
SOCIETY OF GEORGIA

1/19/07 378/379 10TH 1"-20" BRS 07003 DEKALB COUNTY, GA.

Ren Woods\07003\07003.dwg