

1 A RESOLUTION AUTHORIZING THE TRANSFER OF APPROXIMATELY 4063.66
2 SQUARE FEET OF COUNTY-OWNED REAL PROPERTY FROM THE REAR
3 PORTION OF FULTON COUNTY REAL PROPERTY LOCATED ON 9665 DOGWOOD
4 ROAD, ROSWELL, GEORGIA TO THE GEORGIA DEPARTMENT OF
5 TRANSPORTATION FOR THE PURPOSE OF CONSTRUCTING THE GA 400
6 EXPRESS LANE PROJECT; AND FOR OTHER PURPOSES.

7
8 **WHEREAS**, Fulton County, Georgia, ("Fulton County") is a political subdivision
9 of the State of Georgia, existing as such under and by the Constitution, statutes, and
10 laws of the State of Georgia; and

11 **WHEREAS**, Fulton County on July 5, 1968 acquired fee simple ownership of the
12 subject real property and all improvements located at 9665 Dogwood Road, Roswell,
13 Georgia (the "Property") by virtue of a certain Warranty Deed from Henry T. Wigenton
14 as recorded in Deed Book 4924, Page 115, Fulton County Records; and

15 **WHEREAS**, the Georgia Department of Transportation ("GDOT") desires to
16 construct the GA 400 Express Lane Project requiring the acquisition of a rear portion of
17 Fulton County real property located on 9665 Dogwood Road, PROJECT NO. MSL00-
18 0001-00(757) (the "Project"), in the 1st District, 2nd Sections Land Lots 536 and 537 and
19 more particularly described in Exhibit "A", attached hereto and incorporated herein by
20 this reference; and

21 **WHEREAS**, GDOT has requested that Fulton County donate the required real
22 property rights in exchange for the GDOT continuing to permit use by the Fulton County
23 Department of Public Works of existing onsite encroachments, to include driveway
24 access and continued storage of water meters and operational supplies, in the existing
25 right of way; and

26 **WHEREAS**, Fulton County is agreeable to transferring approximately 4,061.66
27 square feet of real property within the Property to GDOT for the express purpose of

1 facilitating the construction of the Project to promote efficiency of traffic flow in Fulton
2 County; and

3 **WHEREAS**, pursuant to Fulton County Code § 1-117, the Board of
4 Commissioners has exclusive jurisdiction and control over directing and controlling all
5 the property of the county, as they may deem expedient, according to law and O.C.G.A.
6 § 36-9-3(a)(2)(A) authorizes the granting of rights of ways without a competitive
7 process.

8 **NOW THEREFORE BE IT RESOLVED**, that the Board of Commissioners hereby
9 approves the donation of approximately 4,063.66 square feet of County-owned real
10 property to the Georgia Department of Transportation, as more particularly described in
11 Exhibit "A" attached hereto, for the purpose of the constructing the GA 400 Express
12 Lane Project located in the city of Roswell, in the 1st District, 2nd Section Land Lots 536
13 and 537 of Fulton County, Georgia.

14 **BE IT FURTHER RESOLVED** that the Chairman of the Board of Commissioners
15 shall be authorized and directed to execute and deliver such appropriate right of way
16 deeds or other necessary documents to the Georgia Department of Transportation to
17 complete the donation of the Property.

18 **BE IT FURTHER RESOLVED** that, prior to execution of any documents by the
19 Chairman, the County Attorney shall approve any and all documents as to form and
20 make any necessary changes thereto to protect the County's interests.

21 **BE IT FINALLY RESOLVED**, that this Resolution shall become effective upon its
22 adoption and that all resolutions and parts of resolutions in conflict with this Resolution
23 are hereby repealed to the extent of such conflict.

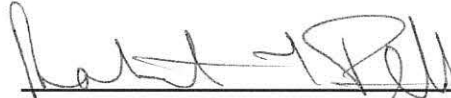
1 SO PASSED AND ADOPTED, this 18th day of January 2023.

2
3 **ATTEST:**

4 

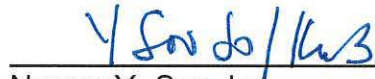
5
6 Tonya R. Grier
7 Clerk to the Commission
8
9
10

BY:



Robert L. Pitts, Chairman
Fulton County Board of Commissioners

11 **APPROVED AS TO FORM:**

12 

13
14 Name: Y. Soo Jo
15 Office of the County Attorney



After recording, please return to:
The Samuels Firm
Dale R. "Bubba" Samuels, LLC
Post Office Box 1926
Buford, Georgia 30515

GEORGIA DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY DEED
600 W. Peachtree NW, Suite 1400, Atlanta, GA 30308

GEORGIA, Fulton COUNTY

PROJECT NO. MSL00-0001-00(757)
P.I. NO. 0001757

THIS CONVEYANCE made and executed the 18th day of January, 2023.

WITNESSETH that Fulton County, a political subdivision, the undersigned, (hereinafter referred to as 'Grantor'), is the owner of a tract of land in Fulton County on the SR 400 from I285/Fulton to McFarland Road/Forsyth-Express Lanes, known as Project No. MSL00-0001-00(757) has been laid out by the Department of Transportation being more particularly described in a map and drawing of said road in the office of the Department of Transportation, 600 West Peachtree St., Atlanta, Georgia, to which reference is hereby made.

NOW, THEREFORE, in consideration of the benefit to said property by the construction and maintenance of said road, and in consideration of ONE DOLLAR (\$1.00), in hand paid, the receipt whereof is hereby acknowledged, Grantor does hereby grant, sell and convey to said Department of Transportation, and their successors in office so much land as to make a right of way for said road as surveyed, being more particularly described as follows:

All that tract or parcel of land lying and being in Land Lots 529, 530, 535, 536 of the 1st Land District 2nd Section of Fulton County, Georgia, and being more particularly described on Exhibit "A" attached hereto and made a part hereto by this reference.

Said right of way is hereby conveyed, consisting of 0.093 acres, more or less, as shown colored yellow on the plat of the property prepared by the Department of Transportation, dated April 13, 2021; said plat attached hereto and made a part of this deed as Exhibit "B".

For the same consideration Grantor hereby conveys and relinquishes to the Department of Transportation all rights of access between the limited access highway and approaches thereto on the above numbered highway project and Grantor's remaining real property from which said right of way is taken except at such points as designated and shown on the attached plat prepared by the Department of Transportation said right being 270.68 linear feet.

Parcel No. 467

Fulton County and the Georgia Department of Transportation acknowledge that Fulton County that has two encroachments within the right of way of State Route 400 onsite at the subject property. Fulton County's driveway access and onsite surface storage will be permitted encroachments until such time that these areas are required for the improvement of State Route 400. Should it become necessary that these encroachments be removed and or altered Fulton County will be responsible for the removal of all items onsite within the existing right of way and the alteration of its driveway access at no cost or liability to the Georgia Department of Transportation.

TO HAVE AND TO HOLD the said conveyed premises in fee simple and any rights Grantor has or may have in and to existing public rights of way are hereby quitclaimed and conveyed unto the Department of Transportation. Grantor hereby warrants that Grantor has the right to sell and convey said land and bind himself, his heirs, executors and administrators forever to defend by virtue of these presents.

IN WITNESSETH WHEREOF, Grantor has hereunto set his hand and seal the day above written.

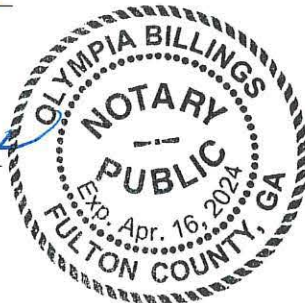
Fulton County, a political subdivision of the State of Georgia

Signed, sealed and delivered this ____ day
of March, 2023
in the presence of:

By: [Signature]
Robert L. Pitts, Chairman
Fulton County Board of Commissioners

[Signature]
Witness

[Signature]
[Notarial Seal]



Attest: [Signature]
Tonya R. Grier
Clerk to the Commission



APPROVED AS TO FORM

Y. Soo Jo / Kuz
Y. Soo Jo, County Attorney

Parcel No. 467

ITEM # 23-0035 RCS 1/18/23
RECESS MEETING

EXHIBIT "A"

PROJECT NO.: MSL00-0001-00(757)
P. I. NO.: 0001757
PARCEL NO.: 467
COUNTY: Fulton
DATE OF R/W PLANS: April 13, 2021
REVISION DATE: N/A

All that tract or parcel of land lying and being in Land Lots 529, 530, 535, 536 of the 1st Land District 2nd Section of Fulton County, Georgia, being more particularly described as follows:

Right of Way

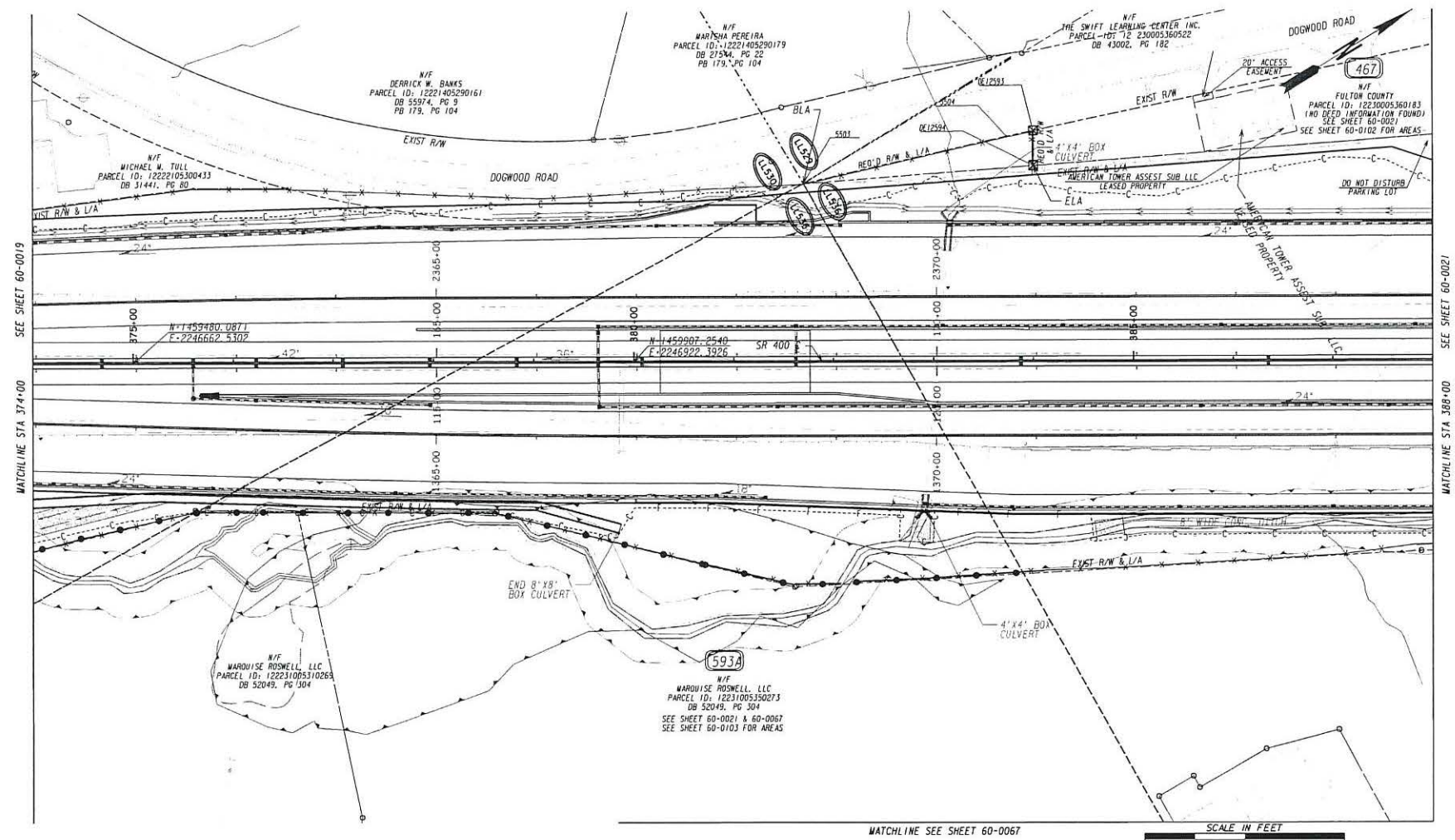
Beginning at a point 178.46 feet left of and opposite Station 381+70.13 on the construction centerline of SR 400 CL on Georgia Highway Project No. MSL00-0001-00(757); running thence N 18°26'18.7" E a distance of 208.30 feet to a point 224.87 feet left of and opposite station 383+73.19 on said construction centerline laid out for SR400 Existing Mainline; thence N 19°19'50.0" E a distance of 27.41 feet to a point 230.56 feet left of and opposite station 384+00.00 on said construction centerline laid out for SR400 Existing Mainline; thence S 58°41'10.4" E a distance of 34.97 feet to a point 195.59 feet left of and opposite station 384+00.00 on said construction centerline laid out for SR400 Existing Mainline; thence S 27°03'02.6" W a distance of 230.51 feet back to the point of beginning. **Consisting of 0.093 acres more or less.**

Limited Access

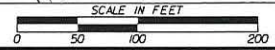
Here in granted are 270.68 linear feet of access rights. Beginning at a point 178.46 feet left of and opposite Station 381+70.13 on the construction centerline of SR 400 CL on Georgia Highway Project No. MSL00-0001-00(757); running thence N 18°26'18.7" E a distance of 208.30 feet to a point 224.87 feet left of and opposite station 383+73.19 on said construction centerline laid out for SR400 Existing Mainline; thence N 19°19'50.0" E a distance of 27.41 feet to a point 230.56 feet left of and opposite station 384+00.00 on said construction centerline laid out for SR400 Existing Mainline; thence S 58°41'10.4" E a distance of 34.97 feet to an end point 195.59 feet left of and opposite station 384+00.00 on said construction centerline laid out for SR400 Existing Mainline

EXHIBIT "B"

Page 1 of 4



PROPERTY AND EXISTING R/W LINE REQUIRED R/W LINE CONSTRUCTION LIMITS EASEMENT FOR CONSTR & MAINTENANCE OF SLOPES EASEMENT FOR CONSTR OF SLOPES EASEMENT FOR CONSTR OF DRIVES		BEGIN LIMIT OF ACCESS.....BLA END LIMIT OF ACCESS.....ELA EXISTING LIMIT OF ACCESS REQ'D LIMIT OF ACCESS EXISTING LIMIT OF ACCESS & R/W REQ'D LIMIT OF ACCESS & R/W ORANGE BARRIER FENCE ESA - ENV. SENSITIVE AREA		DATE	REVISIONS	DATE	REVISIONS	STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP PROJECT NO: 0001757 COUNTY: FULTON LAND LOT NO: 529, 530, 535, 536 LAND DISTRICT: 1ST-2ND SEC. GND DATE: 4/13/21 SH 21 OF 133	DRAWING NO. 60-0020



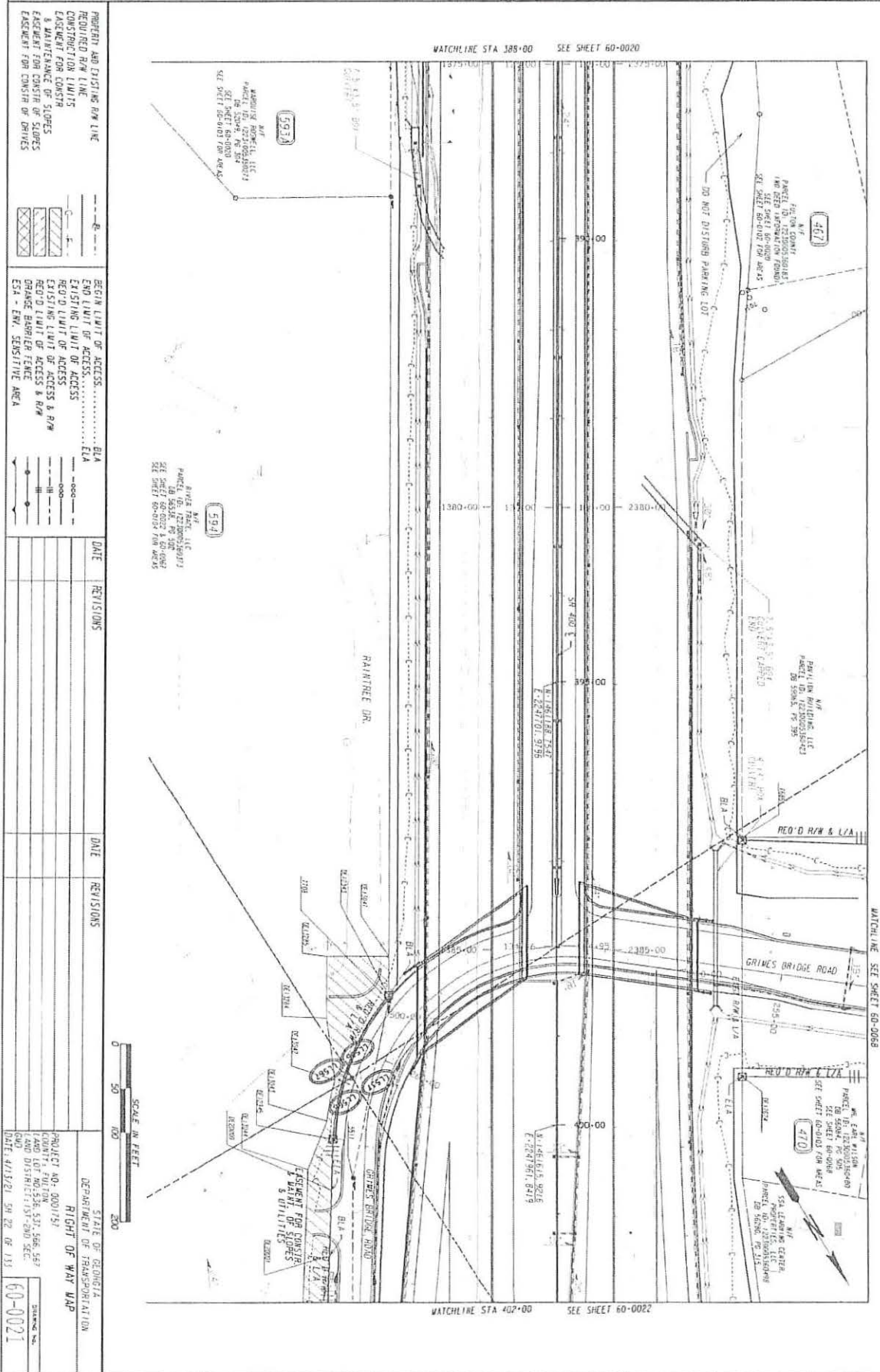
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EXHIBIT "A"

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ACKNOWLEDGEMENT OF ACCESS CONTROL

Project No.: MSL00-0001-00(757) County: Fulton

Parcel No.: 467

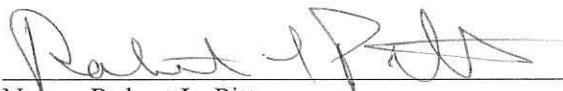
Owners: Fulton County

I, the above named, do hereby certify that I am aware that certain access rights are being acquired as part of the acquisition of Subject parcel.

A representative of the Department of Transportation has explained in detail the location of the access rights being acquired to the degree that I am fully aware of the location of the access control and understand exactly the access, if any, which my remaining land will have after the execution of the deed for Subject parcel.

FULTON COUNTY, GEORGIA

A political subdivision of the State of Georgia



Name: Robert L. Pitts

Title: Chairman, Fulton County Board of Commissioners

ATTEST

By: 

Name: Tonya R. Grier

Title: Clerk to the Commissioners



Approved as to form for Fulton County

This 28 day of MARCH, 2023

By: 

Name: Y. Soo Jo

Office of the County Attorney

Rev. 08-01-2010

ITEM # 23 0035 RCS 1/18/23
RECESS MEETING