

# Agenda Request Form

## Cherokee County School District

Meeting Date
November 3, 2016

Agenda Item Number
F-3

Title
Granting Right of Way to Georgia Department of Transportation (GDOT) for an Intersection Improvement and Signal/Crosswalk Upgrade at the Main Entrance of Cherokee High School on SR 140/Marietta Highway.
Requested Action
Board Consideration of Granting Right of Way to Georgia Department of Transportation (GDOT) for Intersection Improvement and Signal/Crosswalk Upgrade at the Main Entrance of Cherokee High School on SR 140/Marietta Highway.
Summary Explanation and Background
<p>The School District was contacted by the Georgia Department of Transportation (GDOT) with a request to improve the intersection, traffic signal and crosswalks in front of the main entrance at Cherokee High School. GDOT is requesting Right of Way for 0.139 acres of property owned by the School District, as shown on the attached plat.</p> <p>The Superintendent and staff believe this intersection improvement and signal/crosswalk upgrade project will increase the safety of both pedestrians and motorists accessing and/or traveling past the Cherokee High School campus.</p>
Major System Priority
Insuring Safe and Secure Learning Environments
Financial Impact
+\$29,675 Revenue from Property Sale
Exhibits: (List)
See Attached

Board Action
<i>(For Official School Board Records Only)</i>

Source of Additional Information						
<table style="width: 100%; border: none;"> <tr> <td style="border: none;">Dr. Brian V. Hightower</td> <td style="border: none; text-align: right;">(770) 479-1871</td> </tr> <tr> <td style="border: none;">Bill Sebring</td> <td style="border: none; text-align: right;">(770) 479-1871</td> </tr> <tr> <td style="border: none;">Tom Roach</td> <td style="border: none; text-align: right;">(770) 479-1406</td> </tr> </table>	Dr. Brian V. Hightower	(770) 479-1871	Bill Sebring	(770) 479-1871	Tom Roach	(770) 479-1406
Dr. Brian V. Hightower	(770) 479-1871					
Bill Sebring	(770) 479-1871					
Tom Roach	(770) 479-1406					

### OFFICE OF THE SUPERINTENDENT OF SCHOOLS

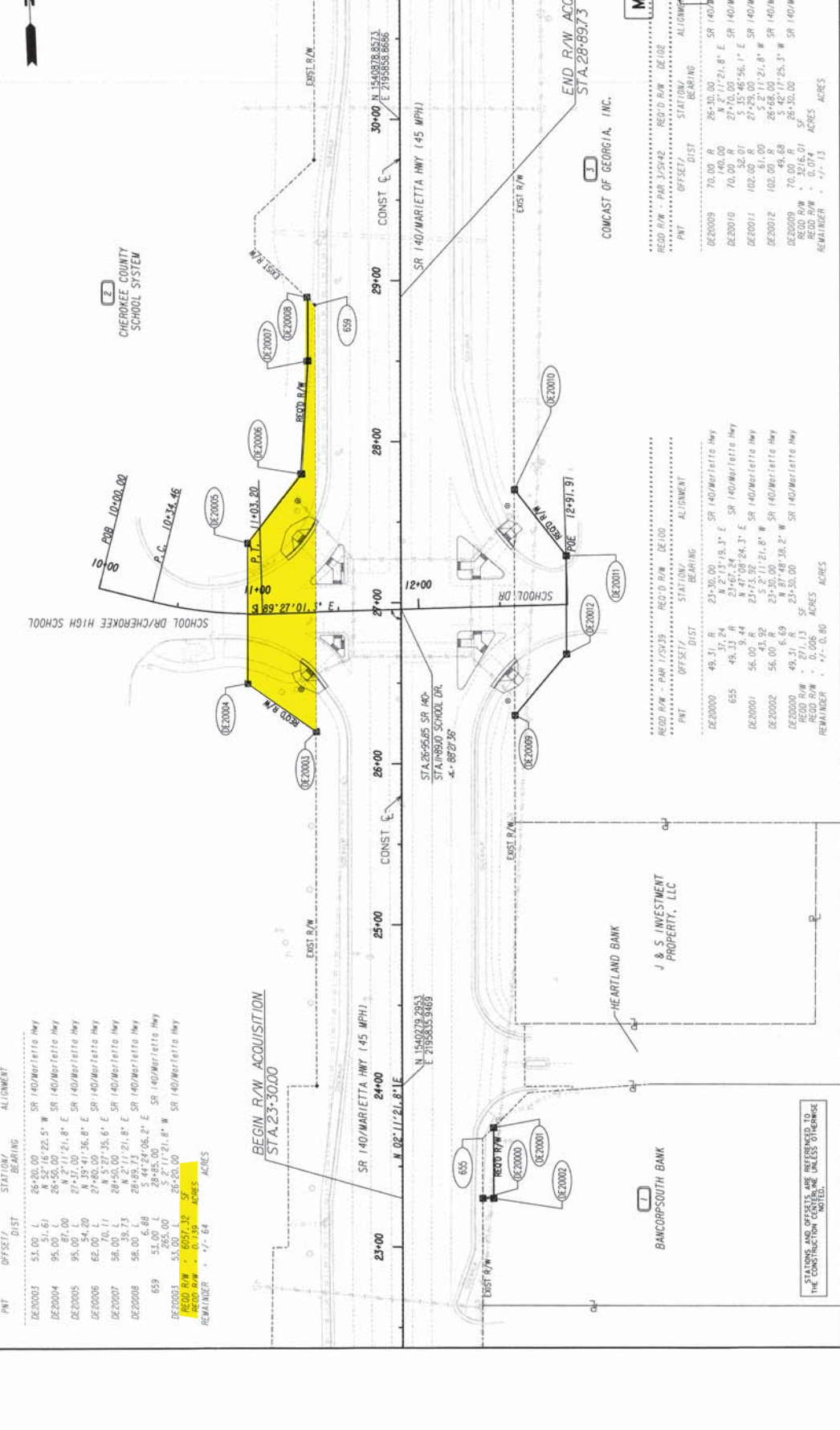
Approved in Open Board Meeting on: \_\_\_\_\_ (Date)

By: \_\_\_\_\_ (School Board Chairman)

RECD R/W	OFFSET	DIST	STATION	BEARING	ALIGNMENT
DE20003	53.00	L	26+30.00	N 52°16'22.5" W	SR 140/Marietta Hwy
DE20004	95.00	L	26+50.00	N 52°16'22.5" W	SR 140/Marietta Hwy
DE20005	87.00	L	27+11.21	N 2°11'21.8" E	SR 140/Marietta Hwy
DE20006	95.00	L	27+41.36	N 2°11'21.8" E	SR 140/Marietta Hwy
DE20007	76.11	L	27+60.00	N 52°16'22.5" W	SR 140/Marietta Hwy
DE20008	58.00	L	28+00.00	N 52°16'22.5" W	SR 140/Marietta Hwy
DE20009	53.00	L	28+35.00	N 52°16'22.5" W	SR 140/Marietta Hwy
DE20010	53.00	L	28+50.00	N 52°16'22.5" W	SR 140/Marietta Hwy
DE20011	102.00	R	27+29.00	N 2°11'21.8" E	SR 140/Marietta Hwy
DE20012	61.00	R	27+29.00	N 2°11'21.8" E	SR 140/Marietta Hwy
DE20013	102.00	R	26+68.00	N 2°11'21.8" E	SR 140/Marietta Hwy
DE20014	70.00	R	26+30.00	N 2°11'21.8" E	SR 140/Marietta Hwy
DE20015	32.16	SF	26+30.00	N 2°11'21.8" E	SR 140/Marietta Hwy
REMAINDER	0.074	ACRES			

RECD R/W	OFFSET	DIST	STATION	BEARING	ALIGNMENT
DE20016	49.31	R	23+30.00	N 2°13'19.3" E	SR 140/Marietta Hwy
DE20017	48.33	R	23+62.29	N 2°13'19.3" E	SR 140/Marietta Hwy
DE20018	56.00	R	23+73.92	N 2°13'19.3" E	SR 140/Marietta Hwy
DE20019	43.92	R	23+73.92	N 2°13'19.3" E	SR 140/Marietta Hwy
DE20020	56.00	R	23+30.00	N 2°13'19.3" E	SR 140/Marietta Hwy
DE20021	49.31	R	23+30.00	N 2°13'19.3" E	SR 140/Marietta Hwy
RECD R/W	271.13	SF	23+30.00	N 2°13'19.3" E	SR 140/Marietta Hwy
REMAINDER	0.006	ACRES			

RECD R/W	OFFSET	DIST	STATION	BEARING	ALIGNMENT
DE20022	70.00	R	26+30.00	N 2°11'21.8" E	SR 140/Marietta Hwy
DE20023	70.00	R	27+29.00	N 2°11'21.8" E	SR 140/Marietta Hwy
DE20024	102.00	R	27+29.00	N 2°11'21.8" E	SR 140/Marietta Hwy
DE20025	61.00	R	27+29.00	N 2°11'21.8" E	SR 140/Marietta Hwy
DE20026	102.00	R	26+68.00	N 2°11'21.8" E	SR 140/Marietta Hwy
DE20027	70.00	R	26+30.00	N 2°11'21.8" E	SR 140/Marietta Hwy
RECD R/W	32.16	SF	26+30.00	N 2°11'21.8" E	SR 140/Marietta Hwy
REMAINDER	0.074	ACRES			



**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 DRAVES**

**BEGIN LIMIT OF ACCESS**.....BLA  
**END LIMIT OF ACCESS**.....ELA  
**LIMIT OF ACCESS**  
**RECD R/W & LIMIT OF ACCESS**

STATES AND OFFSETS ARE REFERENCED TO THE CONSTRUCTION CENTERLINE UNLESS OTHERWISE NOTED.

SCALE IN FEET  
 0 30 60 120

DATE	REVISIONS	DATE	REVISIONS

STATE OF GEORGIA  
 DEPARTMENT OF TRANSPORTATION  
**RIGHT OF WAY MAP**  
 PROJECT NO: 0012669  
 COUNTY: CHEROKEE  
 LAND LOT NO: 159  
 AND DISTRICT: 14  
 DATE: 07/16/15 SH 2 OF 2  
 DRAWING NO:  
**60-002**

**GEORGIA DEPARTMENT OF TRANSPORTATION**  
**RIGHT OF WAY DEED**  
**500 Joe Frank Harris Pkwy., Cartersville, GA. 30120**

GEORGIA, CHEROKEE COUNTY

PROJECT NO. 001269  
P.I. NO. 2

THIS CONVEYANCE made and executed the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

WITNESSETH that Cherokee County Board of Education, the undersigned, (hereinafter referred to as 'Grantor'), is the owner of a tract of land in CHEROKEE County through which Intersection improvements and signal upgrades, known as Project No. 0012669, 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 Lot 159 of the 14 Land District and/or 792 Georgia Militia District of Cherokee 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 0.139 acres, more or less, as shown colored yellow on the plat of the property prepared by the Department of Transportation, dated July 16, 2015; revised July 16, 2015, said plat attached hereto and made a part of this deed as Exhibit "B".

Parcel No. 2

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.

Signed, Sealed and Delivered  
this \_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_, in the presence of:

CHEROKEE COUNTY BOARD OF EDUCATION

\_\_\_\_\_  
Witness

\_\_\_\_\_(L.S.)  
By: Kyla Cromer, School Board Chair

\_\_\_\_\_  
Notary Public

Parcel No. 2

DOT118  
Revised 1/00

EXHIBIT "A"

PROJECT NO.: 0012669 Cherokee County  
P. I. NO.: 0012669  
PARCEL NO.: 2  
DATE OF R/W PLANS: July 16, 2015  
REVISION DATE: July 16, 2015

Page 1 of 1

All that tract or parcel of land lying and being in Land Lot 159 of the 14 Land District and/or 792 Georgia Militia District of Cherokee County, Georgia, being more particularly described as follows:

Beginning at a point 53 feet left of and opposite Station 26+20.00 on the construction centerline of SR 140 on Georgia Highway Project No. 0012669 ; running thence N 52°16'22.5" W a distance of 51.61 feet to a point 95.00 feet left of and opposite station 26+50.00 on said construction centerline laid out for SR 140/Marietta Hwy; thence N 2°11'21.8" E a distance of 87.00 feet to a point 95.00 feet left of and opposite station 27+37.00 on said construction centerline laid out for SR 140/Marietta Hwy; thence N 39°41'36.8" E a distance of 54.20 feet to a point 62.00 feet left of and opposite station 27+80.00 on said construction centerline laid out for SR 140/Marietta Hwy; thence N 5°27'35.6" E a distance of 70.11 feet to a point 58.00 feet left of and opposite station 28+50.00 on said construction centerline laid out for SR 140/Marietta Hwy; thence N 2°11'21.8" E a distance of 39.73 feet to a point 58.00 feet left of and opposite station 28+89.73 on said construction centerline laid out for SR 140/Marietta Hwy; thence S 44°24'06.2" E a distance of 6.88 feet to a point 53.00 feet left of and opposite station 28+85.00 on said construction centerline laid out for SR 140/Marietta Hwy; thence S 2°11'21.8" W a distance of 265.00 feet back to the point of beginning. Containing 0.139 acres more or less.

PROJECT NO. 0012669  
P.I. NO.: 0012669  
PARCEL NO. 2

**PROPERTY OWNER'S AFFIDAVIT**

GEORGIA, Cherokee COUNTY

Personally appeared before the undersigned attesting officer, duly authorized to administer oaths in said State and County, Kyla Cromer, who after being duly sworn, deposes and says upon oath:

That affiant is the School Board Chair of Cherokee County Board of Education, the owner in fee simple of the improvements shown on Attachment "A" hereto.

Further, that the improvements situated on said real estate are within the limits of said described property and that there has been no violation of any restrictions that may have been imposed on said lands nor has any interest in same been sold or conveyed or any change made in the improvements thereon since said lands were inspected as aforesaid.

Further, that the owner or owners named above is in indisputable possession of said described lands and knows of no one claiming under any unrecorded bond for title of any nature of claiming any interest in said lands whatsoever; except as may be set out below;

Further, that there are no leases, either recorded of record, unrecorded, or otherwise, currently in effect or terminated in contemplation of the acquisition or purchase by the Georgia Department of Transportation (hereinafter the "Department") of the real estate shown on Attachment "A" hereto, except as may be set out below;

Further, that there are no suits, judgements, bankruptcies or executions pending against the owner or owners named above in any court relating to the subject property or which could in any way affect the title to said lands or constitute a lien thereon, and that the owner or owners named above is not surety on the bond of any county or county official or any other bond that through default of the principal therein a lien would be created superior to the deed mentioned above, nor are there any loan deeds, trust deeds, mortgages, or liens of any nature whatsoever unsatisfied against said lands except as set out below;

Further, that there are no unpaid bills of any nature either for labor or materials or for architects', surveyors', or other services rendered or used on the improvement of said real estate, except as set out below, which constitute or might constitute any lien upon said real estate.

The owner or owners named above for (his/its) part acknowledges that this Affidavit is made and given to the Department in connection with and for purposes of inducing the Department in its acquisition or purchase of the real estate shown on Attachment "A" thereto and, further, agrees to indemnify and hold harmless the Department from any and all claims for compensation or benefits made by any party or individual claiming through or under any interest in the property or business now or formerly situated or operating on said property, against the Department other than as may be set forth herein below.

Sworn to and subscribed before me,  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Kyla Cromer (S.E.A.L.)

Exceptions:

\_\_\_\_\_  
\_\_\_\_\_

**SETTLEMENT & DISBURSEMENT STATEMENT**

OWNER(S) NAME: Cherokee County Board of Education  
 ADDRESS or LOCATION OF PROPERTY: PO BOX 769 Canton, GA 30169

(1) GROSS PROCEEDS TO SELLER:	\$29,675.00
(2) CURRENT COUNTY TAXES:	\$ _____
(3) CURRENT CITY TAXES:	\$ _____
(4) MORTGAGE PREPAYMENT PENALTY:	\$ _____
(5) RELEASE OF MORTGAGE FEE:	\$ _____
(6) RETENTION VALUE OF IMPROVEMENTS:	\$ _____
(7) PERFORMANCE BOND:	\$ _____
(8) PAYMENT(S) TO OTHER PARTIES:	
a. _____	\$ _____
b. _____	\$ _____
c. _____	\$ _____
d. _____	\$ _____
TOTAL (Line 8)	\$ _____
(9) TOTAL DISBURSEMENTS (LINES 2 THROUGH 8):	\$ _____
(10) SUB-TOTAL (LINE 1 LESS LINE 9):	\$29,675.00
(11) REIMBURSEABLE EXPENSES FOR TRANSFERRING TITLE:	
a. PRO-RATA SHARE TAXES (LINES 2 & 3):	\$ _____
b. MORTGAGE PREPAYMENT/RELEASE FEE (LINES 4 & 5):	\$ _____
c. OTHER APPLICABLE EXPENSES (LINE 8):	\$ _____
(12) TOTAL REIMBURSABLE EXPENSES (LINES 11 a, b, & c):	\$ _____
(13) NET PROCEEDS TO SELLER (LINE 10 PLUS LINE 12):	\$29,675.00

\*\*\*\*\*  
 THE ABOVE IS THE COMPLETE, TRUE AND CORRECT AMOUNT OF FUNDS RECEIVED AND DISBURSED IN CONNECTION WITH THE ABOVE TRANSACTION. **THE SELLER IS HEREBY NOTIFIED BY THIS DOCUMENT TO PROCEED WITH THE REMOVAL OF ALL ON SITE TRADE FIXTURES AND/OR RETAINED IMPROVEMENTS AS PREVIOUSLY IDENTIFIED AND APPROVED BY THE DEPARTMENT.** IN THE EVENT THAT THESE ITEMS HAVE NOT BEEN REMOVED WITHIN 30 CALENDAR DAYS FROM THE DATE OF THIS NOTICE, THEY WILL BE CONSIDERED ABANDONED AND SHALL BE REMOVED AND/OR DEMOLISHED BY THE DEPARTMENT. (THIS NOTICE DOES NOT APPLY IF THE SELLER AND/OR OTHER INTERESTS IN POSSESSION ARE CLASSIFIED BY THE DEPARTMENT AS RELOCATION DISPLACEMENTS.) THE REMOVAL OF AND/OR DAMAGE TO ANY PORTION OF THE PROPERTY NOT RETAINED BY THE SELLER IS UNLAWFUL AND SUCH ACTION WILL BE SUBJECT TO PROSECUTION BY THE STATE..

Cherokee County Board of Education > \_\_\_\_\_  
 (CLOSING OFFICIAL) (DATE)  
 > \_\_\_\_\_ > \_\_\_\_\_  
 Kyla Cromer, School Board Chair (DATE) (TITLE)

NOTE: If taxes are not withheld or were not due and payable at time of closing, seller must submit paid tax receipts for reimbursement of their Pro-Rata share to the Georgia Department of Transportation, Office of Right of Way, Relocation Section, 600 West Peachtree Street, Atlanta, Georgia 30308

\*\*\*\*\*

**D.O.T. USE ONLY**

PAYEE: > <u>Dyer &amp; Rusbridge PC</u>	\$ <u>29,675.00</u>
<u>PO BOX 1776</u>	\$ _____
<u>Canton, GA 30114</u>	\$ _____
_____	\$ _____
TOTAL	\$ <u>29,675.00</u>

PROJECT NO. 0012669 Cherokee COUNTY  
 PARCEL NO. 2  
 P.I. NO. 0012669