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**MEMORANDUM**

**To:** Mayor and City Council

**From:** Michael Smith, Director of Public Works

**Date:** August 13, 2012

**Subject:** **Discussion and Approval of Dunwoody Village Parkway Real Property Agreement**

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**ITEM DESCRIPTION**

Discussion and Approval of Dunwoody Village Parkway Real Property Agreement

**BACKGROUND**

Preliminary design has been completed for the Dunwoody Village Parkway streetscape project. Pending design approval by the Georgia Department of Transportation (GDOT), the next phase of the project will be right of way acquisition and completion of the construction documents. No permanent right of way will be required for this project. Construction easements will be required on 17 parcels in order to construct the sidewalks and driveway tie-ins. These easements generally consist of small strips of land adjacent to the existing right of way that will allow construction equipment access and/or tie-in of new slopes and driveways into the adjacent topography.

Execution of the attached intergovernmental agreement between the City of Dunwoody and GDOT is necessary in order to fulfill federal funding requirements. The agreement acknowledges that the City will obtain the easements for this project in accordance with federal regulations.

**FUNDING**

Easement acquisition has been budgeted in the overall project funding.

**RECOMMENDED ACTION**

Staff recommends approval of this agreement.

**REAL PROPERTY AGREEMENT**

**STATE OF GEORGIA**

**CITY/COUNTY OF DUNWOODY**

**THIS AGREEMENT**, made and entered into on this the \_\_\_\_\_ day of \_\_\_\_\_, by and between the **GEORGIA DEPARTMENT OF TRANSPORTATION**, and **DUNWOODY CITY/COUNTY, GEORGIA**, a political subdivision of the State of Georgia.

**WITNESSETH:**

**WHEREAS**, the Department is authorized to receive federal funding for Transportation Enhancement Activities for Georgia pursuant to provisions of 23 U.S.C. Section 139(b)(8); and,

**WHEREAS**, DUNWOODY City/County, Georgia, has represented to the Department that it has the authority to receive and expend federal funds for the purpose of the project, is qualified to provide its services necessary for the implementation of the project, and the Department has relied upon such representation;

**NOW, THEREFORE**, it being duly considered and in recognition of the value and benefits accruing to the Local Government from said proposed Transportation Enhancement Project funding does promise and covenant as herein made; it agrees that:

**ARTICLE I**

Project: CSTEE-0009-00(028)  
P. I. Number: 0009028

Description of Real Estate: Acquisition of temporary construction easement from 17 parcels along Dunwoody Village Parkway

**ARTICLE II**



DUNWOODY City/County, Georgia, acknowledges that federal funds are being used to purchase the property designated in Article I, and, if this property ever changes ownership, the local government will reimburse the Georgia Department of Transportation the Fair Market Value of the property based on the Project's actual share ratio.



DUNWOODY City/County, Georgia, acknowledges that federal funds are NOT being used to purchase the property designated in Article I, but if acquisition is needed, it will be acquired in accordance with Public Law 91-646, the Uniform Relocation Assistance and Real Properties Policies Act of 1970, as amended, and the rules and regulations of the FHWA including, but not limited to, Title 23, United States Code; 23 CFR 710, et. seq., and 49 CFR Part 24, and the rules and regulations of the Department. This work shall be coordinated with the Georgia Department of Transportation Office of Right of Way.

**ARTICLE III**

It is further agreed that this agreement will be referenced in the warranty deed for the above referenced property.

**IN WITNESS WHEREOF**, the said parties have hereunto set their hands and affixed their seals, on this day and year first above written.

**DUNWOODY CITY/COUNTY, GEORGIA (SEAL)**

BY: \_\_\_\_\_

MAYOR, \_\_\_\_\_ CITY COUNCIL

(AFFIX CITY/COUNTY SEAL HERE)

ATTEST: \_\_\_\_\_  
ITS CLERK

(AFFIX NOTARY SEAL HERE) \_\_\_\_\_

**GEORGIA DEPARTMENT OF TRANSPORTATION (SEAL)**

BY: \_\_\_\_\_

ITS: \_\_\_\_\_

(AFFIX NOTARY SEAL HERE)