



4800 Ashford Dunwoody Road  
Dunwoody, Georgia 30338  
dunwoodyga.gov | 678.382.6700

## **MEMORANDUM**

**To:** Mayor and City Council

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

**Date:** May 6, 2019

**Subject:** **Approval of an Intergovernmental Agreement with DeKalb County School District for Land Transfers at the New Austin Elementary School and at Peachtree Middle School**

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### **BACKGROUND**

The attached intergovernmental agreement (IGA) provides for the purchase, selling and exchange of property and easements for proposed infrastructure at the new Austin Elementary School and existing infrastructure at Peachtree Middle School. A detailed accounting of the various property, easements and improvements involved in the transaction is shown on Exhibit C of the IGA.

At the new Austin Elementary School, the city needs to acquire about 3,000 square feet of right of way and 275 square feet of temporary construction easement along Roberts Drive for new sidewalks. The city also needs about 7,500 square feet of temporary driveway easement area to widen the shared school and nature center driveway for a left turn lane. The city's acquisitions are shown in green on Exhibit B of the IGA. At the completion of the Roberts Drive project the city will deed the additional land incorporating the widened driveway to the school district and grant a permanent easement on the city's nature center property for the school's entry sign. These areas are shaded red on Exhibit B.

At Peachtree Middle School, there is an area of frontage on North Peachtree Road that, according to the project records, should have been converted to DeKalb County right of way at the time of construction. The city's research indicates that the transfer never occurred and as a result some of the existing traffic signal equipment and sidewalk in front of the school are located on school property outside of the city's right of way. To rectify this, the city needs to acquire about 8,600 square feet of right of way. This is less than the area shown to be transferred at the time of construction but is sufficient for the purposes of incorporating the city's infrastructure. At this location, the city is also proposing 2,000 square feet of temporary construction easement for the purpose of adding pavement marking on the school driveway so that a protected left turn signal can be added. Finally, the city will grant a 4,300 square foot permanent easement to the school for the existing fiber optic communication line that extends through the city's baseball facility next to the school.



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The values of the property and the temporary construction easements are based on appraisals commissioned by the city. Driveway easements are valued at \$0. The value of the land rights being acquired by the city is approximately \$50,000 more than the value of the land rights being transferred to the school district. However, the city plans to construct transportation improvements that will be located on school district property. The costs for these improvements, and a \$12,290 credit from the school system for fencing at the new Austin school, have been deducted from the net land value resulting in a net cost to the city of \$20,485.97. This expense will be charged to the Roberts Drive transportation improvements project which is tracking to be completed well under budget.

### **RECOMMENDED ACTION**

Staff recommends approval of the Intergovernmental Agreement with the DeKalb County School District for land transfers and other improvements at the new Austin Elementary School and at Peachtree Middle School.

**INTERGOVERNMENTAL AGREEMENT FOR THE  
PURCHASE, SALE AND EXCHANGE OF REAL ESTATE**

**THIS INTERGOVERNMENTAL AGREEMENT FOR THE PURCHASE, SALE AND EXCHANGE OF REAL ESTATE** (this “**Agreement**”) is entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2019, by and between the **DEKALB COUNTY BOARD OF EDUCATION**, the governing body of the DeKalb County School District (the “**District**” or “**BOE**”), a political subdivision of the State of Georgia , and **THE CITY OF DUNWOODY, GEORGIA**, a municipality of the State of Georgia (“**City**”).

**WHEREAS**, the BOE owns 10.28 +/- acres of land lying and being in Land Lot 376 of the 18th District of DeKalb County, Georgia, commonly known as the new Austin E.S. property and having an address of 5303 Roberts Drive, Dunwoody, Georgia 30338, which includes the portions of land described on **Exhibit "A"** attached hereto and incorporated herein by reference (the "New Austin E.S."); and

**WHEREAS**, the BOE owns the existing Peachtree Charter Middle School property located at 4664 North Peachtree Road, Dunwoody, Georgia 30338, lying and being in Land Lot 354 of the 18th District of DeKalb County, Georgia which includes the portions of land described on **Exhibit "B"** attached hereto and incorporated herein by reference (the "PCMS ").

**WHEREAS**, the City owns property lying and being in Land Lot 376 of the 18<sup>th</sup> District of DeKalb County commonly known as the Dunwoody Nature Center and having an address of 5363 Roberts Drive, Dunwoody, Georgia 30338 which includes the portions of land described on **Exhibit "A"** attached hereto and incorporated herein by reference (the “Dunwoody Nature Center”); and

**WHEREAS**, the City owns property lying and being in Land Lot 354 of the 18<sup>th</sup> District of DeKalb County commonly known as the Dunwoody Baseball Park and having an address of 4635 Barclay Drive, Dunwoody, Georgia 30338 which includes the portions of land described on **Exhibit "B"** attached hereto and incorporated herein by reference (the “Dunwoody Baseball Park”); and

**WHEREAS**, BOE and City desire to purchase, sell and exchange certain portions of the New Austin E.S., PCMS, Dunwoody Nature Center and Dunwoody Baseball Park properties and to grant and convey certain easements thereof, for the purposes set out and as detailed in **Exhibit "C"** attached hereto and incorporated herein by reference;

**NOW THEREFORE**, in consideration of the mutual covenants and agreements contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, City and BOE agree as follows:

1. **Recitals.** The above recitals are true and correct and are hereby incorporated into this Agreement in their entirety.

2. **Purchase and Sale; Intended Uses.** At Closing:

(a) The City agrees to grant and convey portions of and easements on the Dunwoody Nature Center and Dunwoody Baseball Park properties all as outlined on and for the purposes set out in **Exhibit C** attached hereto and incorporated herein by reference. Additionally, at Closing City shall remit a cash payment to the BOE in the amount of Twenty Thousand Four Hundred Eighty-Five and 97/100ths Dollars (\$20,485.97) in cash by wired or other good funds; and following Closing City shall perform the work described below at City's sole expense (the "City Work"). The Cash Portion shall be paid and the City Work performed in payment of the excess land value exchanged (the "Cash Portion").

The City Work shall include the following:

(i) City shall widen the driveway at the New Austin E.S. North entrance and add a turn lane from the New Austin E.S. North entrance driveway onto Roberts Drive; and

(ii) City shall add required pavement markings on the PCMS driveway to reflect and accommodate protected left turn into the PCMS; and

(iii) City shall furnish and install a 6 foot high x 1095 foot long decorative powder coated aluminum picket fence along the south property line at the New Austin E.S. school property pursuant to BOE's standards.

The City Work shall be completed by August 1, 2020 and shall be performed at City's sole expense. City will work in good faith with BOE to ensure the City Work does not unduly interfere with BOE's operations of the New Austin E.S. or PCMS properties; and City shall take all reasonable measures to minimize any disruption or inconvenience caused by the City Work to the operation and use of said properties. City shall also not unreasonably interfere with BOE's or its invitees' access to or egress from New Austin E.S. or PCMS properties. City shall coordinate all construction activities on the Property through the Executive Director of Operations for DeKalb County School District, by notifying and obtaining consent from said personnel at least 72 hours before City commences the City Work.

(b) The BOE agrees to grant and convey portions of and easements on the new Austin E.S. and PCMS properties all as outlined on and for the purposes set out in **Exhibit C** attached hereto and incorporated herein by reference.

3. **Documents.** Between the Effective Date (defined in paragraph 12(g) herein below) and the Closing Date, the each party shall provide to the other party any and all third

party documents pertaining to the properties to be purchased and sold within said party's possession, custody or control (the "Property Information"). Each party acknowledges that any Property Information provided by other party pursuant to this paragraph is provided without any representations or warranties as to the accuracy or contents thereof; and each party acknowledges and agrees that it shall not be entitled to rely upon any of such materials. Despite the provision of the Property Information pursuant to this paragraph, each party acknowledges it is solely responsible for ordering its own title insurance exam, commitment and policy, its own survey, soil reports, environmental reports, environmental assessments and any other inspections or reports desired by said party with respect the property being acquired by said party.

4. **Closing.** The closing of the purchase and sale of the Property (the "**Closing**") shall take place at the offices of BOE's counsel Nelson Mullins Scarborough & Riley, LLP, 201 17<sup>th</sup> Street, NW, Suite 1700, Atlanta, Georgia 30363 on or before 3:00 p.m. EST on or before May 30, 2019 (the "**Closing Date**"). Either party may elect to close in escrow. Each party shall be responsible for their own closing costs.

5. **Conveyance Deeds and Easement Agreements.** The properties will conveyed at Closing by Quitclaim Deed from the conveying party. Easement Agreements shall be executed at Closing for the easements granted hereunder. Prior to Closing the parties shall obtain legal descriptions for the land and easements to be conveyed at Closing.

6. **Real Estate Taxes.** As both BOE and City are exempt from real estate taxes and assessments imposed by any governmental authority ("**Taxes**") with respect to each Property, no taxes will be prorated at the Closing.

7. **Inspection Period.**

(a) Commencing on the Effective Date (as defined in Section 14(h) herein below) and continuing until Closing (the "**Inspection Period**"), each BOE and BOE's agents and designees shall have the right to enter the Dunwoody Nature Center and Dunwoody Baseball Park properties at their sole risk and expense, and during reasonable hours, for the purposes of inspecting said properties and making surveys, soil, environmental and mechanical and structural engineering studies, and any other investigations and inspections as BOE may reasonably require to assess the condition of said properties. During the Inspection Period, the City and City's agents and designees shall have the right to enter the New Austin E.S. and the PCMS properties at their sole risk and expense, and during reasonable hours, for the purposes of inspecting the New Austin E.S. and the PCMS Properties and making surveys, soil, environmental and mechanical and structural engineering studies, and any other investigations and inspections as the City may reasonably require to assess the condition of the New Austin E.S. and the PCMS properties.

(b) Each party shall pay for their own due diligence work performed on the properties, and each party shall share copies of any non-privileged third party reports derived from the due diligence performed with the other party.

(c) The obligations of BOE under this Agreement shall be conditioned upon BOE satisfying itself, in its sole and absolute discretion, on or before the expiration of the Inspection Period that the portions of the Dunwoody Nature Center and Dunwoody Baseball Park properties to be conveyed to BOE is in all respects satisfactory for BOE's intended use.

(d) The obligations of the City under this Agreement shall be conditioned upon City satisfying itself, in its sole and absolute discretion, on or before the expiration of the Inspection Period that the portions of the New Austin E.S. and the PCMS properties to be conveyed to City are in all respects satisfactory for City's intended use.

8. **Conditions to Closing.** The obligations of the parties to consummate the purchase and sale of the Properties on the Closing Date shall be subject to the satisfaction or performance of the following on or before the Closing Date:

(a) Approval of this transaction by the DeKalb County Board of Education by public vote as required by law.

(b) Approval of this transaction by the City of Dunwoody City Council by public vote as required by law.

If any of the conditions set forth above have not been satisfied or performed on or as of the Closing Date (as extended if applicable), either party shall have the right to terminate this Agreement by giving notice to the other party, in which event all rights and obligations of the parties under this Agreement shall expire, and this Agreement shall become null and void, or (ii) extend the date of Closing for up to sixty (60) days in order to provide additional time for the conditions precedent to be met.

9. **Broker.** City and BOE each affirm to the other that neither has employed, retained nor consulted any broker, agent or finder in carrying on the negotiations in connection with this Agreement.

10. **Notices.** All notices, elections and communications permitted or required hereunder shall be in writing and shall be deemed given, received and effective for all purposes when delivered to the notice address for such recipient as set forth on the signature page to this Agreement, regardless of whether actually received. Notices may be given by email, courier, or overnight delivery with tracking by FedEx or other similar nationally recognized overnight courier service, and notices may be given by counsel for the parties.

11. **Miscellaneous.**

(a) *Binding Effect.* This Agreement shall be binding upon, enforceable against, and shall inure to the benefit of the parties hereto and their respective heirs, legal representatives, successors and permitted assigns, which assignment must be approved by both parties in writing, consent not to be unreasonably withheld, delayed or conditioned.

(b) *Entire Agreement.* This Agreement supersedes all prior discussions and agreements between BOE and City with respect to the subject matter contained herein, and contains the sole and entire understanding between BOE and City with respect thereto.

(c) *Modification.* This Agreement shall not be modified or amended except by an instrument in writing executed by City and BOE.

(d) *Applicable Law.* This Agreement shall be governed by, construed under and interpreted and enforced in accordance with the laws of the State of Georgia.

(e) *Counterparts.* This Agreement may be executed in two or more counterparts, each of which shall constitute an original and all of which taken together shall constitute one and the same instrument.

(f) *Time.* Time is and shall be of the essence of this Agreement.

(g) *Effective Date.* The effective date of this Agreement (the “**Effective Date**”) shall be later of the respective dates on which City or BOE approves the Agreement by public vote; and upon execution and delivery either party may enter the Effective Date upon the face page of this Agreement.

*[Signatures on following page]*

**IN WITNESS WHEREOF**, City and BOE have caused this Purchase and Sale Agreement to be executed by their respective duly authorized representatives as of the day and year first above written.

**CITY:**

CITY OF DUNWOODY, GEORGIA,  
A municipality of the State of Georgia

By: \_\_\_\_\_ (seal)

Print name: Denis Shortal, Mayor

Date: \_\_\_\_\_

**Notice Address:**

City of Dunwoody  
41 Perimeter Center East/Suite 250  
Dunwoody, GA 30346  
Attn: City Manager

**With a copy to:**

Riley McLendon  
315 Washington Ave., NE  
Marietta, GA 30060  
Attn: Cecil McLendon, Esq.  
Telephone No.: 770.590.5900

Approved as to Form:

---

Cecil McLendon  
City Attorney

Attest:

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Sharon Lowery  
City Clerk

*[Signatures continued on following page]*



**BOE:**

**DEKALB COUNTY BOARD OF EDUCATION**

a political subdivision of the State of Georgia

By: \_\_\_\_\_  
Dr. Michael Erwin, Board Chair

Attest: \_\_\_\_\_  
Dr. R. Stephen Green, Superintendent

Notice Address:

Mr. Daniel E Drake, PE  
Interim Chief Operations Officer (COO)  
DeKalb County School District  
1780 Montreal Rd  
Tucker, Georgia 30084  
Email: daniel\_e\_drake@dekalbschoolsga.org  
Phone: 678-676-1332  
Fax: 678-676-1469

With a copy to:

Nelson Mullins Riley & Scarborough LLP  
201 17<sup>th</sup> Street NW, Suite 1700  
Atlanta, Georgia 30363  
Attn: Cheryl V. Shaw, Esq.  
Phone: 404.322.6139

**EXHIBIT A**

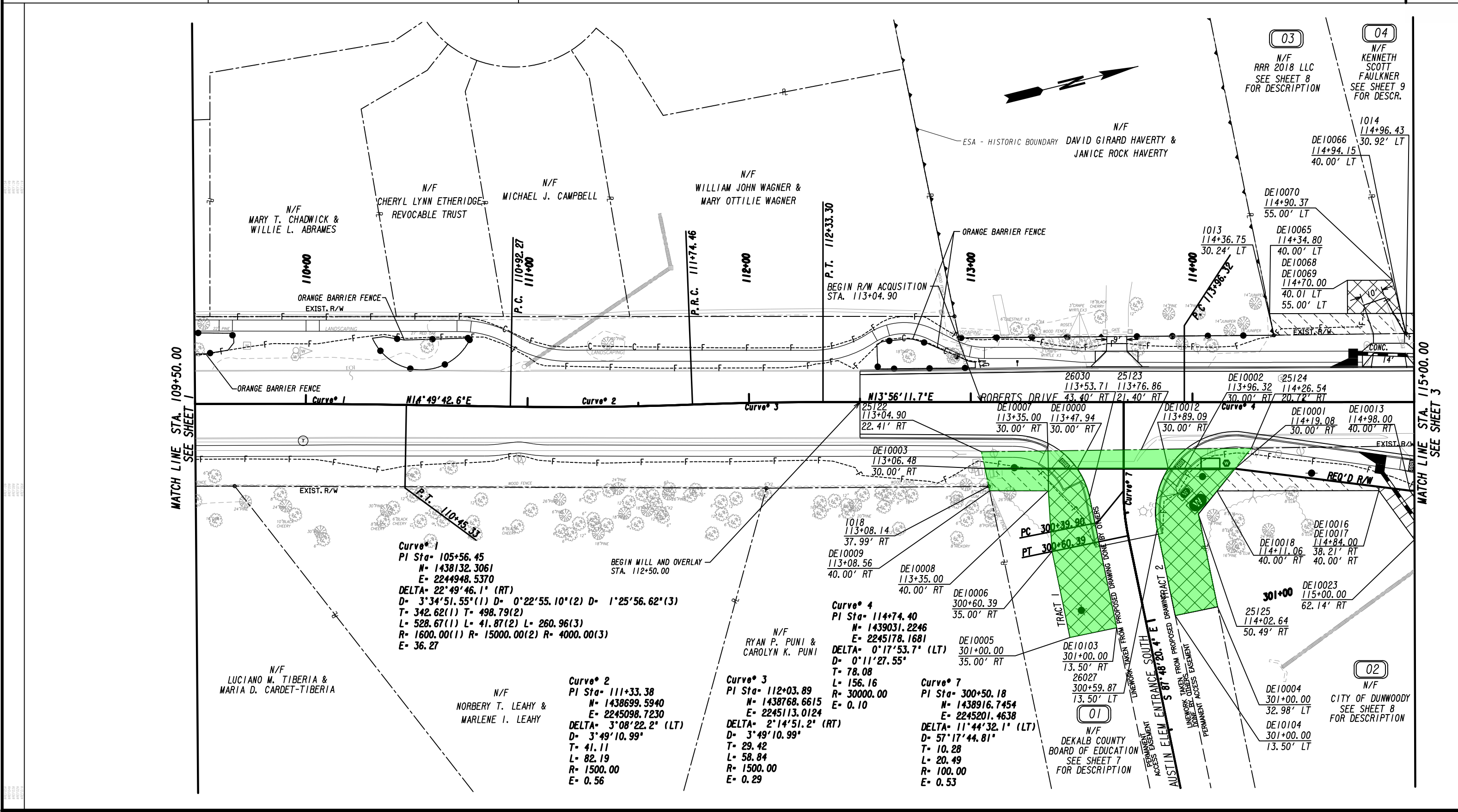
**DRAWING DEPICTING LAND SWAPS AND EASEMENTS AT:**

**NEW AUSTIN E.S. PROPERTY, 5303 Roberts Drive, Dunwoody, GA**

**And**

**DUNWOODY NATURE CENTER PROPERTY, 5363 Roberts Drive, Dunwoody, Georgia**

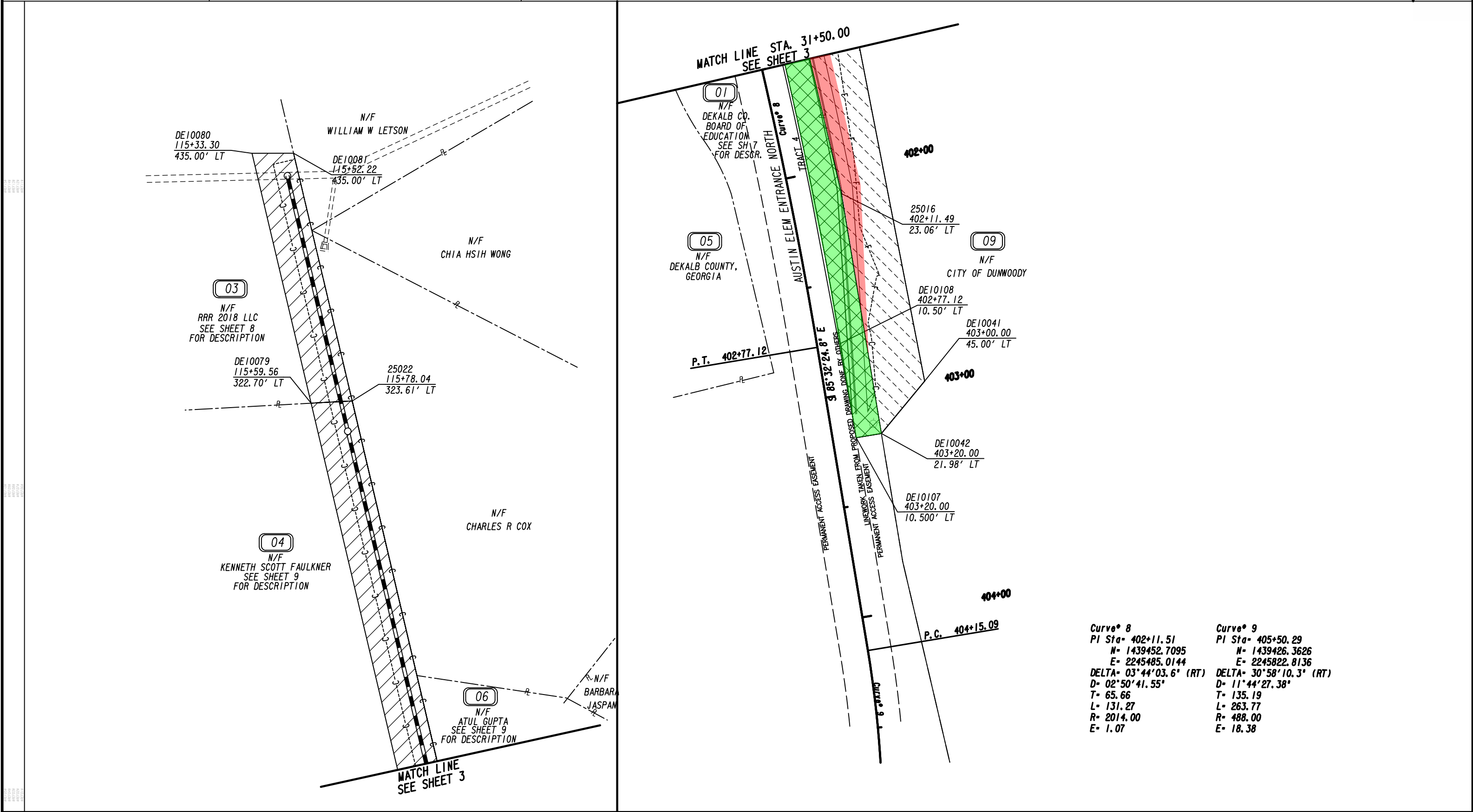
**30338**



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<div>01</div> <div>N/F</div> <div>DEKALB COUNTY BOARD OF EDUCATION</div> <div>PARCEL APPEARS ON SHEETS 2, 3, AND 6</div>	<div>01</div> <div>(CONTINUED)</div> <div>N/F</div> <div>DEKALB COUNTY BOARD OF EDUCATION</div> <div>PARCEL APPEARS ON SHEETS 2, 3 AND 6</div>	<div>01</div> <div>(CONTINUED)</div> <div>N/F</div> <div>DEKALB COUNTY BOARD OF EDUCATION</div> <div>PARCEL APPEARS ON SHEETS 2, 3, AND 6</div>	<div>01</div> <div>(CONTINUED)</div> <div>N/F</div> <div>DEKALB COUNTY BOARD OF EDUCATION</div> <div>PARCEL APPEARS ON SHEETS 2, 3, AND 6</div>																																																																																																																																																																																																																																																																																																																																																																																																																																				
***** PAR 1 REQD-TRACT 1      REQ'D R/W    DE1002 ***** <table><tr><th>PNT</th><th>OFFSET/ DIST</th><th>STATION/ BEARING</th><th>ALIGNMENT</th></tr><tr><td>25122</td><td>22.41 R</td><td>113+04.90</td><td>Roberts Drive</td></tr><tr><td></td><td>71.97</td><td>N 13°08'08.0" E</td><td></td></tr><tr><td>25123</td><td>21.40 R</td><td>113+76.86</td><td>Roberts Drive</td></tr><tr><td></td><td>49.70</td><td>N 13°08'08.0" E</td><td></td></tr><tr><td>25124</td><td>20.72 R</td><td>114+26.54</td><td>Roberts Drive</td></tr><tr><td></td><td>11.90</td><td>S 37°18'53.9" E</td><td></td></tr><tr><td>DE10001</td><td>30.00 R</td><td>114+19.08</td><td>Roberts Drive</td></tr><tr><td colspan="4">ARC LENGTH = 22.78</td></tr><tr><td colspan="4">CHORD BEAR = S 13°54'53.4" W</td></tr><tr><td colspan="4">LNTH CHORD = 22.78</td></tr><tr><td colspan="4">RADIUS = 30030.00</td></tr><tr><td colspan="4">DEGREE = 0°11'26.9"</td></tr><tr><td>DE10002</td><td>30.00 R</td><td>113+96.32</td><td>Roberts Drive</td></tr><tr><td></td><td>89.85</td><td>S 13°56'11.7" W</td><td></td></tr><tr><td>DE10003</td><td>30.00 R</td><td>113+06.48</td><td>Roberts Drive</td></tr><tr><td></td><td>7.75</td><td>N 87°48'20.0" W</td><td></td></tr><tr><td>25122</td><td>22.41 R</td><td>113+04.90</td><td>Roberts Drive</td></tr><tr><td>REQD R/W</td><td>= 986.42</td><td>SF</td><td></td></tr><tr><td>REQD R/W</td><td>= 0.023</td><td>ACRES</td><td></td></tr></table>	PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT	25122	22.41 R	113+04.90	Roberts Drive		71.97	N 13°08'08.0" E		25123	21.40 R	113+76.86	Roberts Drive		49.70	N 13°08'08.0" E		25124	20.72 R	114+26.54	Roberts Drive		11.90	S 37°18'53.9" E		DE10001	30.00 R	114+19.08	Roberts Drive	ARC LENGTH = 22.78				CHORD BEAR = S 13°54'53.4" W				LNTH CHORD = 22.78				RADIUS = 30030.00				DEGREE = 0°11'26.9"				DE10002	30.00 R	113+96.32	Roberts Drive		89.85	S 13°56'11.7" W		DE10003	30.00 R	113+06.48	Roberts Drive		7.75	N 87°48'20.0" W		25122	22.41 R	113+04.90	Roberts Drive	REQD R/W	= 986.42	SF		REQD R/W	= 0.023	ACRES		***** PAR 1 REQD-TRACT 2      REQ'D R/W    DE1019 ***** <table><tr><th>PNT</th><th>OFFSET/ DIST</th><th>STATION/ BEARING</th><th>ALIGNMENT</th></tr><tr><td>25137</td><td>17.32 R</td><td>118+79.03</td><td>Roberts Drive</td></tr><tr><td colspan="4">ARC LENGTH = 33.83</td></tr><tr><td colspan="4">CHORD BEAR = N 10°43'51.0" E</td></tr><tr><td colspan="4">LNTH CHORD = 33.83</td></tr><tr><td colspan="4">RADIUS = 1943.84</td></tr><tr><td colspan="4">DEGREE = 2°56'51.2"</td></tr><tr><td>25139</td><td>19.36 R</td><td>119+12.14</td><td>Roberts Drive</td></tr><tr><td colspan="4">ARC LENGTH = 37.52</td></tr><tr><td colspan="4">CHORD BEAR = N 9°04'21.0" E</td></tr><tr><td colspan="4">LNTH CHORD = 37.51</td></tr><tr><td colspan="4">RADIUS = 633.28</td></tr><tr><td colspan="4">DEGREE = 9°02'50.7"</td></tr><tr><td>25018</td><td>21.96 R</td><td>119+48.74</td><td>Roberts Drive</td></tr><tr><td></td><td>27.80</td><td>S 54°07'51.0" E</td><td></td></tr><tr><td>25017</td><td>45.67 R</td><td>119+34.75</td><td>Roberts Drive</td></tr><tr><td></td><td>10.36</td><td>S 89°16'28.0" E</td><td></td></tr><tr><td>DE10031</td><td>56.00 R</td><td>119+35.45</td><td>Roberts Drive</td></tr><tr><td></td><td>52.39</td><td>S 7°25'17.1" W</td><td></td></tr><tr><td>DE10028</td><td>55.00 R</td><td>118+86.03</td><td>Roberts Drive</td></tr><tr><td></td><td>31.67</td><td>N 84°27'45.0" W</td><td></td></tr><tr><td>25136</td><td>23.36 R</td><td>118+84.78</td><td>Roberts Drive</td></tr><tr><td></td><td>8.43</td><td>S 53°54'18.9" W</td><td></td></tr><tr><td>25137</td><td>17.32 R</td><td>118+79.03</td><td>Roberts Drive</td></tr><tr><td>REQD R/W</td><td>= 2046.48</td><td>SF</td><td></td></tr><tr><td>REQD R/W</td><td>= 0.047</td><td>ACRES</td><td></td></tr></table> TRACT 1: REQD R/W = 986.42 SF = 0.023 ACRES TRACT 2: REQD R/W = 2046.48 SF = 0.047 ACRES  TOTAL REQD R/W = 3032.90 SF = 0.070 ACRES  REMAINDER    = +/- 10    ACRES	PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT	25137	17.32 R	118+79.03	Roberts Drive	ARC LENGTH = 33.83				CHORD BEAR = N 10°43'51.0" E				LNTH CHORD = 33.83				RADIUS = 1943.84				DEGREE = 2°56'51.2"				25139	19.36 R	119+12.14	Roberts Drive	ARC LENGTH = 37.52				CHORD BEAR = N 9°04'21.0" E				LNTH CHORD = 37.51				RADIUS = 633.28				DEGREE = 9°02'50.7"				25018	21.96 R	119+48.74	Roberts Drive		27.80	S 54°07'51.0" E		25017	45.67 R	119+34.75	Roberts Drive		10.36	S 89°16'28.0" E		DE10031	56.00 R	119+35.45	Roberts Drive		52.39	S 7°25'17.1" W		DE10028	55.00 R	118+86.03	Roberts Drive		31.67	N 84°27'45.0" W		25136	23.36 R	118+84.78	Roberts Drive		8.43	S 53°54'18.9" W		25137	17.32 R	118+79.03	Roberts Drive	REQD R/W	= 2046.48	SF		REQD R/W	= 0.047	ACRES		***** PAR 1 DWESMT-TRACT 1      REQ'D DRWY. EASM'T.    DE1029 ***** <table><tr><th>PNT</th><th>OFFSET/ DIST</th><th>STATION/ BEARING</th><th>ALIGNMENT</th></tr><tr><td>DE10007</td><td>30.00 R</td><td>113+35.00</td><td>Roberts Drive</td></tr><tr><td>DE10000</td><td>30.00 R</td><td>113+47.94</td><td>Roberts Drive</td></tr><tr><td colspan="4">ARC LENGTH = 14.69</td></tr><tr><td colspan="4">CHORD BEAR = N 80°39'53.2" E</td></tr><tr><td colspan="4">LNTH CHORD = 14.59</td></tr><tr><td colspan="4">RADIUS = 36.50</td></tr><tr><td colspan="4">DEGREE = 156°58'29.1"</td></tr><tr><td>26030</td><td>43.40 R</td><td>113+53.71</td><td>Roberts Drive</td></tr><tr><td>DE10103</td><td>13.50 R</td><td>301+00.00</td><td>Austin Elem Entrance South</td></tr><tr><td>DE10005</td><td>35.00 R</td><td>301+00.00</td><td>Austin Elem Entrance South</td></tr><tr><td>DE10006</td><td>35.00 R</td><td>300+60.39</td><td>Austin Elem Entrance South</td></tr><tr><td>DE10008</td><td>40.00 R</td><td>113+35.00</td><td>Roberts Drive</td></tr><tr><td>DE10007</td><td>30.00 R</td><td>113+35.00</td><td>Roberts Drive</td></tr></table> ***** PAR 1 DWESMT-TRACT 2      REQ'D DRWY. EASM'T.    DE1030 ***** <table><tr><th>PNT</th><th>OFFSET/ DIST</th><th>STATION/ BEARING</th><th>ALIGNMENT</th></tr><tr><td>DE10012</td><td>30.00 R</td><td>113+89.09</td><td>Roberts Drive</td></tr><tr><td>DE10002</td><td>30.00 R</td><td>113+96.32</td><td>Roberts Drive</td></tr><tr><td colspan="4">ARC LENGTH = 22.78</td></tr><tr><td colspan="4">CHORD BEAR = N 13°54'53.4" E</td></tr><tr><td colspan="4">LNTH CHORD = 22.78</td></tr><tr><td colspan="4">RADIUS = 30030.00</td></tr><tr><td colspan="4">DEGREE = 0°11'26.9"</td></tr><tr><td>DE10001</td><td>30.00 R</td><td>114+19.08</td><td>Roberts Drive</td></tr><tr><td>25125</td><td>50.49 R</td><td>114+02.64</td><td>Roberts Drive</td></tr><tr><td>DE10004</td><td>32.98 L</td><td>301+00.00</td><td>Austin Elem Entrance South</td></tr><tr><td>DE10104</td><td>13.50 L</td><td>301+00.00</td><td>Austin Elem Entrance South</td></tr><tr><td>26027</td><td>13.50 L</td><td>300+59.87</td><td>Austin Elem Entrance South</td></tr><tr><td colspan="4">ARC LENGTH = 28.21</td></tr><tr><td colspan="4">CHORD BEAR = N 65°39'52.7" W</td></tr><tr><td colspan="4">LNTH CHORD = 27.51</td></tr><tr><td colspan="4">RADIUS = 36.50</td></tr><tr><td colspan="4">DEGREE = 156°58'29.1"</td></tr><tr><td>DE10012</td><td>30.00 R</td><td>113+89.09</td><td>Roberts Drive</td></tr></table>	PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT	DE10007	30.00 R	113+35.00	Roberts Drive	DE10000	30.00 R	113+47.94	Roberts Drive	ARC LENGTH = 14.69				CHORD BEAR = N 80°39'53.2" E				LNTH CHORD = 14.59				RADIUS = 36.50				DEGREE = 156°58'29.1"				26030	43.40 R	113+53.71	Roberts Drive	DE10103	13.50 R	301+00.00	Austin Elem Entrance South	DE10005	35.00 R	301+00.00	Austin Elem Entrance South	DE10006	35.00 R	300+60.39	Austin Elem Entrance South	DE10008	40.00 R	113+35.00	Roberts Drive	DE10007	30.00 R	113+35.00	Roberts Drive	PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT	DE10012	30.00 R	113+89.09	Roberts Drive	DE10002	30.00 R	113+96.32	Roberts Drive	ARC LENGTH = 22.78				CHORD BEAR = N 13°54'53.4" E				LNTH CHORD = 22.78				RADIUS = 30030.00				DEGREE = 0°11'26.9"				DE10001	30.00 R	114+19.08	Roberts Drive	25125	50.49 R	114+02.64	Roberts Drive	DE10004	32.98 L	301+00.00	Austin Elem Entrance South	DE10104	13.50 L	301+00.00	Austin Elem Entrance South	26027	13.50 L	300+59.87	Austin Elem Entrance South	ARC LENGTH = 28.21				CHORD BEAR = N 65°39'52.7" W				LNTH CHORD = 27.51				RADIUS = 36.50				DEGREE = 156°58'29.1"				DE10012	30.00 R	113+89.09	Roberts Drive	***** PAR 1 DWESMT-TRACT 3      REQ'D DRWY. EASM'T.    DE1031 ***** <table><tr><th>PNT</th><th>OFFSET/ DIST</th><th>STATION/ BEARING</th><th>ALIGNMENT</th></tr><tr><td>DE10028</td><td>55.00 R</td><td>118+86.03</td><td>Roberts Drive</td></tr><tr><td>DE10105</td><td>55.02 R</td><td>119+02.71</td><td>Roberts Drive</td></tr><tr><td>26014</td><td>12.50 R</td><td>401+45.85</td><td>Austin Elem Entrance North</td></tr><tr><td>DE10043</td><td>40.49 R</td><td>401+45.85</td><td>Austin Elem Entrance North</td></tr><tr><td colspan="4">ARC LENGTH = 62.74</td></tr><tr><td colspan="4">CHORD BEAR = N 82°08'16.1" W</td></tr><tr><td colspan="4">LNTH CHORD = 62.03</td></tr><tr><td colspan="4">RADIUS = 120.19</td></tr><tr><td colspan="4">DEGREE = 47°40'15.6"</td></tr><tr><td>25135</td><td>32.78 R</td><td>400+84.30</td><td>Austin Elem Entrance North</td></tr><tr><td>DE10028</td><td>55.00 R</td><td>118+86.03</td><td>Roberts Drive</td></tr></table> ***** PAR 1 DWESMT-TRACT 4      REQ'D DRWY. EASM'T.    DE1032 ***** <table><tr><th>PNT</th><th>OFFSET/ DIST</th><th>STATION/ BEARING</th><th>ALIGNMENT</th></tr><tr><td>DE10106</td><td>55.54 R</td><td>119+24.56</td><td>Roberts Drive</td></tr><tr><td>DE10031</td><td>56.00 R</td><td>119+35.45</td><td>Roberts Drive</td></tr><tr><td>25016</td><td>23.06 L</td><td>402+11.49</td><td>Austin Elem Entrance North</td></tr><tr><td>DE10042</td><td>21.98 L</td><td>403+20.00</td><td>Austin Elem Entrance North</td></tr><tr><td>DE10107</td><td>10.50 L</td><td>403+20.00</td><td>Austin Elem Entrance North</td></tr><tr><td>DE10108</td><td>10.50 L</td><td>402+77.12</td><td>Austin Elem Entrance North</td></tr><tr><td colspan="4">ARC LENGTH = 131.95</td></tr><tr><td colspan="4">CHORD BEAR = N 87°24'26.5" W</td></tr><tr><td colspan="4">LNTH CHORD = 131.93</td></tr><tr><td colspan="4">RADIUS = 2024.50</td></tr><tr><td colspan="4">DEGREE = 2°49'48.4"</td></tr><tr><td>DE10109</td><td>10.50 L</td><td>401+45.85</td><td>Austin Elem Entrance North</td></tr><tr><td>DE10106</td><td>55.54 R</td><td>119+24.56</td><td>Roberts Drive</td></tr></table> TOTAL DRIVEWAY EASEMENTS - 4	PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT	DE10028	55.00 R	118+86.03	Roberts Drive	DE10105	55.02 R	119+02.71	Roberts Drive	26014	12.50 R	401+45.85	Austin Elem Entrance North	DE10043	40.49 R	401+45.85	Austin Elem Entrance North	ARC LENGTH = 62.74				CHORD BEAR = N 82°08'16.1" W				LNTH CHORD = 62.03				RADIUS = 120.19				DEGREE = 47°40'15.6"				25135	32.78 R	400+84.30	Austin Elem Entrance North	DE10028	55.00 R	118+86.03	Roberts Drive	PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT	DE10106	55.54 R	119+24.56	Roberts Drive	DE10031	56.00 R	119+35.45	Roberts Drive	25016	23.06 L	402+11.49	Austin Elem Entrance North	DE10042	21.98 L	403+20.00	Austin Elem Entrance North	DE10107	10.50 L	403+20.00	Austin Elem Entrance North	DE10108	10.50 L	402+77.12	Austin Elem Entrance North	ARC LENGTH = 131.95				CHORD BEAR = N 87°24'26.5" W				LNTH CHORD = 131.93				RADIUS = 2024.50				DEGREE = 2°49'48.4"				DE10109	10.50 L	401+45.85	Austin Elem Entrance North	DE10106	55.54 R	119+24.56	Roberts Drive
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DE10002	30.00 R	113+96.32	Roberts Drive																																																																																																																																																																																																																																																																																																																																																																																																																																				
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25125	50.49 R	114+02.64	Roberts Drive																																																																																																																																																																																																																																																																																																																																																																																																																																				
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26014	12.50 R	401+45.85	Austin Elem Entrance North																																																																																																																																																																																																																																																																																																																																																																																																																																				
DE10043	40.49 R	401+45.85	Austin Elem Entrance North																																																																																																																																																																																																																																																																																																																																																																																																																																				
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25135	32.78 R	400+84.30	Austin Elem Entrance North																																																																																																																																																																																																																																																																																																																																																																																																																																				
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DE10031	56.00 R	119+35.45	Roberts Drive																																																																																																																																																																																																																																																																																																																																																																																																																																				
25016	23.06 L	402+11.49	Austin Elem Entrance North																																																																																																																																																																																																																																																																																																																																																																																																																																				
DE10042	21.98 L	403+20.00	Austin Elem Entrance North																																																																																																																																																																																																																																																																																																																																																																																																																																				
DE10107	10.50 L	403+20.00	Austin Elem Entrance North																																																																																																																																																																																																																																																																																																																																																																																																																																				
DE10108	10.50 L	402+77.12	Austin Elem Entrance North																																																																																																																																																																																																																																																																																																																																																																																																																																				
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**EXHIBIT B**

**DRAWING DEPICTING LAND SWAPS AND EASEMENTS AT:**

**PEACHTREE CHARTER MIDDLE SCHOOL (PCMS) PROPERTY, 4664 North**

**Peachtree Road , Dunwoody, GA**

**And**

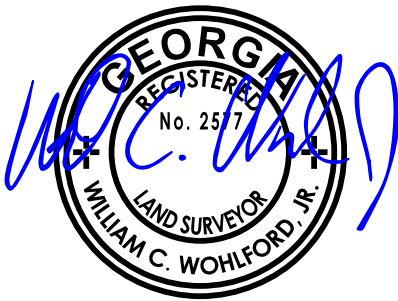
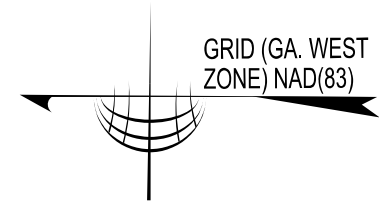
**DUNWOODY BASEBALL PARK PROPERTY, 4635 Barclay Drive, Dunwoody, Georgia**

**30338**

NORTH PEACHTREE ROAD  
(APPARENT 70' R/W)

RIVER-  
GLENN  
CIRCLE

GRID (GA. WEST  
ZONE) NAD(83)



SURVEY NOTES:

- 1. THE FIELD DATA UPON WHICH THIS SURVEY IS BASED HAD A CLOSURE OF ONE FOOT IN 48,935 FEET AND AN ANGULAR ERROR OF 2" PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.
- 2. THE LINEAR AND ANGULAR MEASUREMENTS SHOWN ON THIS PLAT WERE OBTAINED BY FIELD SURVEY USING A TRIMBLE "S" SERIES TOTAL STATION.
- 3. THIS R/W DEDICATION AREA HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 202,370 FEET. THE TEMP. EASEMENT AREA IS ACCURATE WITHIN ONE FOOT IN 51,780 FEET.
- 4. THIS PROPERTY DOES NOT LIE WITHIN A FLOOD PRONE AREA AS SHOWN ON DEKALB COUNTY, GEORGIA F.E.M.A. FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 13089C0016J, DATED: MAY 16, 2013.
- 5. THE BEARINGS SHOWN ON THIS PLAT WERE COMPUTED FIELD ANGLES BASED ON A MAGNETIC BEARING.
- 6. FIELD WORK FOR THIS PROPERTY WAS COMPLETED ON DECEMBER 12, 2016.

1/2"RB FND  
(DIST WITH CAP  
UNREADABLE)

P.O.C.

S 03° 09' 00" E

397.47'

S 03° 09' 00" E

151.88'

P.O.B. R/W  
DEDICATION

BARCLAY DRIVE  
(APPARENT 60' R/W)

0 60 120 FT.



SCALE: 1"= 60'

N/F  
CITY OF  
DUNWOODY

N/F  
DEKALB COUNTY  
BOARD OF EDUCATION  
DB. 4090 PG. 145

SHEET 1  
SHEET 2

R/W DEDICATION AREA=  
8,173 SQ. FT.  
OR 0.1876 AC.

TEMP. ESMT AREA=  
2,365 SQ. FT.  
OR 0.0543 AC.

LOCATED IN LAND LOT 354  
18TH DISTRICT  
CITY OF DUNWOODY, DEKALB COUNTY, GA

DATE: 04/06/17 SHEET NO. 1 OF 2  
REVISION 1: 03/13/19

RIGHT-OF-WAY DEDICATION PLAT  
AS REQUIRED BY:  
  
CITY OF DUNWOODY

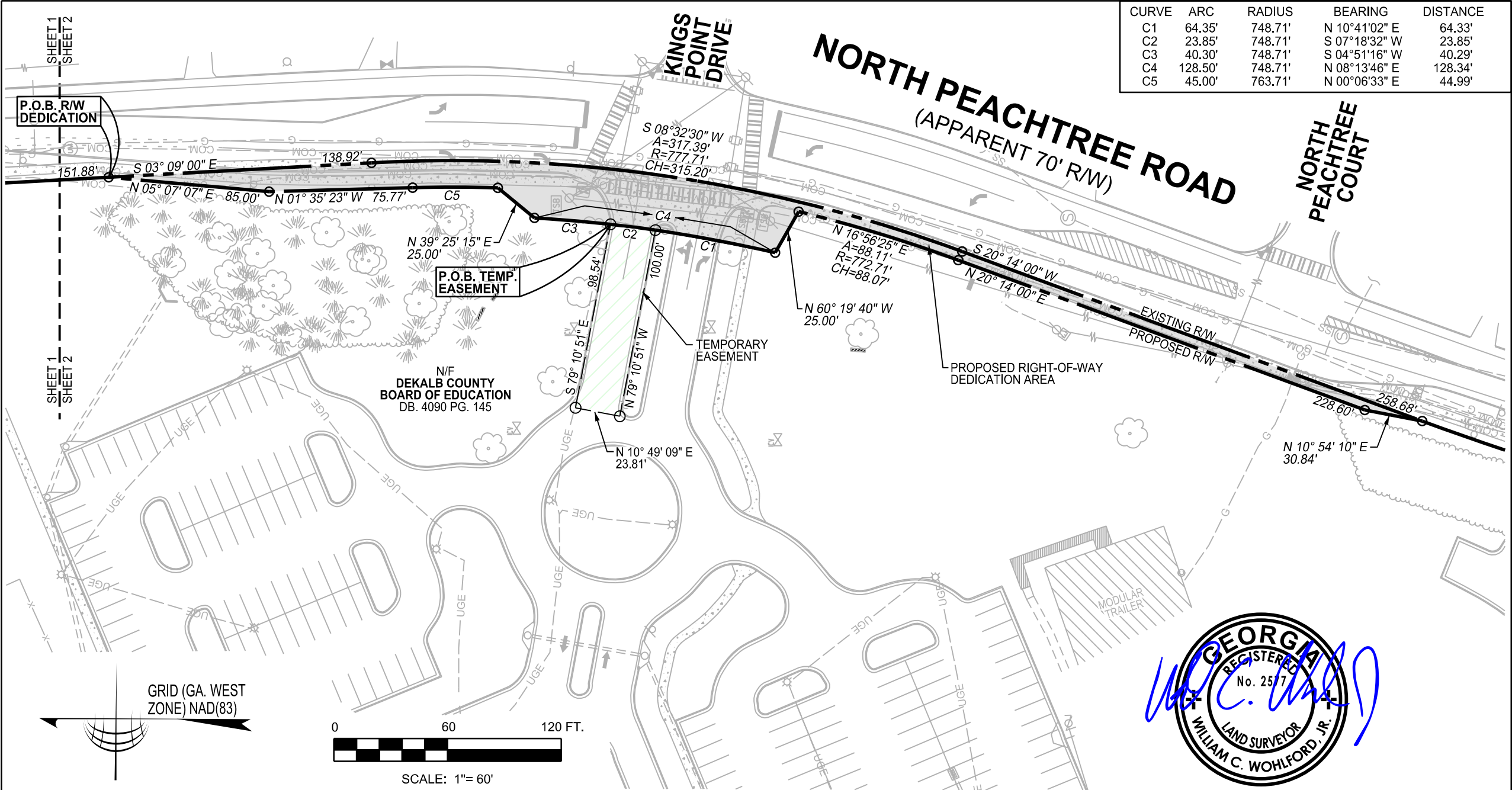
THROUGH THE PROPERTY OF:  
**DEKALB COUNTY  
BOARD OF EDUCATION**  
DEKALB COUNTY  
  
TAX PARCEL # 18 354 14 003

PROJECT: LAT/LONG -  
33°55'52.11"N / 84°17'46.54"W



TerraMark Land Surveying, Inc.  
1396 Bells Ferry Road  
Marietta, Georgia 30066  
www.TerraMark.com  
(P) (770) 421-1927





R/W DEDICATION AREA=  
8,173 SQ. FT.  
OR 0.1876 AC.

TEMP. ESMT AREA=  
2,365 SQ. FT.  
OR 0.0543 AC.

LOCATED IN LAND LOT 354  
18TH DISTRICT  
CITY OF DUNWOODY, DEKALB COUNTY, GA

PROJECT: LAT/LONG -  
33°55'52.11"N / 84°17'46.54"W

DATE: 04/06/17 SHEET NO. 2 OF 2  
REVISION 1: 03/13/19

**RIGHT-OF-WAY DEDICATION PLAT**  
AS REQUIRED BY:  
  
**CITY OF DUNWOODY**

THROUGH THE PROPERTY OF:  
**DEKALB COUNTY**  
**BOARD OF EDUCATION**  
DEKALB COUNTY  
TAX PARCEL # 18 354 14 003

**TerraMark**  
Professional Land Surveying  
TerraMark Land Surveying, Inc.  
1396 Bells Ferry Road  
Marietta, Georgia 30066  
www.TerraMark.com  
(P) (770) 421-1927

**EXHIBIT C**

**SPREADSHEET DETAILING LAND SWAPS, EASEMENTS, VALUES AND CREDITS**

Land Swap between DeKalb County Board of Education and City of Dunwoody

Tax Parcel	Owner	Address	Property Descripton	Purpose of Transfer	Transfer Instrument	Area	Cost / Square Foot	COD to BOE	BOE to COD
18 376 01 189	DeKalb BOE	5303 Roberts Drive	New Austin Elementary North Entrance	Provide for city ownership and maint. of new sidewalk and curb ramps at signalized driveway	Right of Way Deed	2,046	12	\$24,552.00	
18 376 01 189	DeKalb BOE	5303 Roberts Drive	New Austin Elementary North Entrance	Proposed Driveway easement for the grading required for landscaping and the construction of the new right turn lane at the northern drive.	Driveway Easement	4,673	0	\$0.00	
18 376 01 189	DeKalb BOE	5303 Roberts Drive	New Austin Elementary South Entrance	Provide for city ownership and maint. of new sidewalk and curb ramps at bus driveway	Right of Way Deed	986	12	\$11,832.00	
18 376 01 189	DeKalb BOE	5303 Roberts Drive	New Austin Elementary South Entrance	Temporary Construction Easement to construct sidewalk and curb ramp	Temporary Easement	275	1.2	\$330.00	
18 376 01 189	DeKalb BOE	5303 Roberts Drive	New Austin Elementary South Entrance	Proposed Driveway easement for the grading required for the construction of the southern drive to tie into the proposed roadway.	Driveway Easement	2,902	0	\$0.00	
18 376 01 003	City of Dunwoody	5363 Roberts Drive	Dunwoody Nature Center	Provide for BOE ownership of widened north school driveway and sidewalk	Fee Simple Deed	2,033	12		\$24,396.00
18 376 01 003	City of Dunwoody	5363 Roberts Drive	Dunwoody Nature Center	Provide permanent easement for BOE school sign	Permanent Eaement	150	9		\$1,350.00
18 354 14 003	DeKalb BOE	4664 North Peachtree Rd	Peachtree Middle School	Provide right of way for city to maintain existing sidewalk and traffic signal equipment	Right of Way Deed	8,586	7	\$60,100.97	
18 354 14 003	DeKalb BOE	4664 North Peachtree Rd	Peachtree Middle School	Provide temporary easement for city to add pavement marking for protected left turn signal into school	Temporary Easement	2,000	0.7	\$1,400.00	
18 354 14 004	City of Dunwoody	4635 Barclay Drive	Dunwoody Baseball Park	Provide permanent easement for school fiber optic communication line	Permanent Easement	4,300	5.25		\$22,575.00

Subtotal	\$98,214.97	\$48,321.00
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Credit from DeKalb County Board of Education to City of Dunwoody for improvements

Tax Parcel	Owner	Address	Property Descripton	Description of Improvements	Scope of Work	COD to BOE	BOE to COD
18 376 01 189	DeKalb BOE	5303 Roberts Drive	New Austin Elementary North Entrance	Widen driveway to add turn lane from school driveway onto Roberts Drive	Pavement widening, curb, gutter and sidewalk		\$14,618.00
18 354 14 003	DeKalb BOE	4664 North Peachtree Rd	Peachtree Middle School	Pavement markings on school driveway to accommodate protected left turn into school	Pavement marking		\$2,500.00
18 376 01 189	DeKalb BOE	5303 Roberts Drive	Dunwoody Nature Center	DCSD credit for difference in fencing			\$12,290.00

Subtotal	\$0.00	\$29,408.00
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COD Net Total

\$20,485.97

BOE Net Total

\$0.00

Total Cost	\$98,214.97	\$77,729.00
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