



Johns Creek

GEORGIA

*be the exception*

## **Right of Way Policy**

Department of Public Works  
Transportation Division

770-512-3200

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## **1.0 Introduction**

The Right of Way Office carries out the City's Right of Way abandonment, disposal, acquisition, dedication, privatization and donation operations. The Right of Way staff is under the authority of the Transportation Division and Director of Public Works.

The purpose of the Right of Way Policy is to direct the action of the Right of Way Office and ensure that all actions taken on behalf of the City are implemented fairly and consistently.

Most common functions of the City Right of Way office are governed by Federal and State law as found in the Official Code of Georgia Annotated (O.C.G.A.) and the Federal Uniform Relocation and Assistance Policies Act of 1970, amended (Uniform Act). This policy is designed to reflect how the City of Johns Creek implements the relevant portions of Federal and State law as local procedural functions. It also clarifies public policy direction, in areas concerning Right of Way, where local discretion is called for.

## **2.0 Right of Way Acquisition**

Right of Way acquisition is defined as the acquisition of property rights (fee simple/permanent easement/temporary easement) by any method including, but not limited to, purchase, condemnation, devise, gift, court order, and exchange for the purposes of improvement to or construction of capital improvement projects.

### **2.1 Legal Compliance**

The acquisition of Right of Way is governed by the Official Code of Georgia Annotated, Title 22, Title 32 and by Federal Law through the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, amended (42 U.S.C. 4601, et. seq. and 49 CFR Part 24) (Uniform Act).

### **2.2 Procedure—Local Funding**

The procedures for right of way acquisition and condemnation shall be governed by Georgia law. All acquisitions and condemnations performed by the City will adhere to these procedures.

Title 22-1-9(2) allows the condemning authority to prescribe a procedure to waive appraisals in cases involving acquisition by sale or donation of property with a low fair market value. The following procedure will be implemented by the City, has been approved by the Federal Highway Administration and is currently utilized by the Georgia Department of Transportation:

Parcels with an estimated fair market value of \$25,000 or less and that do not involve damages may be acquired without a written appraisal provided that the owner elects to negotiate for services and waives the right of an appraisal. The "Estimate of Appraisal Calculation" form is used to determine the value to be offered based upon an established value range contained in an appraiser's sales databook previously approved by a review appraiser. An "Estimate of Appraisal or Donation Waiver" form must be signed by the owner. An appraisal will be requested in the event of a breakdown of negotiations.

## **2.3 Procedure—Federal or State Funding**

The City of Johns Creek must own in fee simple or have a long term interest through easements for all property to be included in the new Right of Way boundaries for each project. If the capital improvement project has any Federal or State funding allocated to it, property must be acquired in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, amended (Uniform Act).

The Right of Way acquisition process required by the Uniform Act consists of numerous steps, each of which is intended to preserve both the rights of the property owner and the acquiring agency. Given that mandated processes are well documented by other agencies, they will not be repeated, within this document. However, the following steps are important to note:

1. The acquisition process may not begin until a Project Management Agreement is executed and GDOT approves the Right of Way plans and appraisals.
2. A real property agreement between the City and GDOT must be executed. This agreement indicates the ratio of Federal or State funds used to acquire the property. It also stipulates that if the property is ever sold, the City will reimburse GDOT for the fair market value of the property at the indicated ratio.
3. Once all Right of Way has been acquired or is otherwise available for a project with allocated Federal or State funds, the City must submit a Right of Way Certification Form to GDOT. This form certifies that all property is publicly owned and any real property acquisitions followed the requirements of the Uniform Act. If Right of Way was acquired for the project through purchase, lease, or easement, the Right of Way Certification Form must include a plat or a plan sheet showing the acquired Right of Way in relation to the project.

## **3.0 Right of Way Dedication**

Right of Way dedication is defined as the obtaining of real property at no cost for the purposes of improvement to or construction of the roadway network of the City of Johns Creek. Right of Way is typically dedicated to the City as part of the development process and/or as stipulated in the conditions of zoning for a property.

### **3.1 Legal Compliance**

The dedication of Right of Way is governed by the Official Code of Georgia Annotated, Titles 22, 32 and 36. Dedications are also subject to the City of Johns Creek Zoning Ordinance and Development Regulations.

### **3.2 Procedure**

The following procedure is used for obtaining and recording dedicated right of way (see dedication flow chart found in the appendix):

1. The Developer is notified by the Plans Coordinator of right-of-way requirements per zoning requirements or per Public Work's comments
2. The Developer submits the following documents to the RWC for processing (documents and forms can be found on the City's website):
  - a. Fully executed deed or easement (note there is a corporate and individual form) signed in accordance with signature requirements included in the document entitled

“Requirements for Conveying Title to Land”. Print names below signature and provide title if applicable

- b. Executed “Owner’s Affidavit Form” (note there is a corporate and individual form)
  - c. Copy of title report showing current ownership to the property OR copy of most recent recorded deed to property showing current ownership
  - d. Proof of authorization to sign for corporation, LLC, partnership, etc.
  - e. Metes and bounds legal description of area to be dedicated (to be attached as “Exhibit A” to the right-of-way deed/easement documents)
  - f. Plat map (to be attached as “Exhibit B” to the right-of-way deed/easement documents). The “final plat” will be used as the “Exhibit” attachment for subdivisions. Plat map requirements are as follows:
    - Plat map shall be signed, stamped and dated by a professional engineer (P.E.) or a registered land surveyor
    - Plat map shall be no smaller than 8 ½ by 11 inches and no larger than 11 x 17 inches
    - Plat map shall provide enough information to easily identify dedicated right-of-way/easement area in the field.
    - Name of project shall be shown on the map
    - Parcel identification number and name of property owner(s) of each impacted property shall be included
    - Map shall have a north arrow
    - Scale of plat map shown (minimum scale 1” = 20’; maximum scale 1” = 100’)
    - Describe right-of-way / easement area by bearing and distances
    - Right-of-way / easement shall be tied back to the point of beginning
    - Point of beginning shall be tied to a Fulton County GIS monument
    - Indicate subdivision name (if known)
  - g. A check payable to the City of Johns Creek to cover recording fees and courier fees (see fee schedule in appendix).
3. The RWC reviews the documents submitted to ensure they are prepared and signed properly.
  4. RWC notifies Community Development Department that right-of-way and/or easement requirements have been met.
  5. The documents are submitted to the City Clerk for recordation.
  6. Community Development Department places the dedication on the Council Agenda for ratification.
  7. Once recorded documents are received, the City Clerk distributes copies to the Developer, Community Development, Records Manager, GIS Department and RWC.

## **4.0 Right of Way Abandonment**

Right of Way abandonment is defined as the intentional and permanent relinquishment of claim and title to real property that forms a segment of the City of Johns Creek’ roadway network or was acquired or held for future use as a portion of the roadway network.

### **4.1 Legal Compliance**

Right of Way abandonment is governed by the Official Code of Georgia Annotated, Title 32-7-2(c):

When it is determined that a section of the municipal street system has for any reason ceased to be used by the public to the extent that no substantial public purpose is served by it, the municipality, by certification recorded in its minutes, accompanied by a plat or sketch, and after notice to property owners located thereon, may declare that section of street shall no longer be a part of the municipal street system and the rights of the public in and to that section of street as a public street shall cease. The property may be disposed of by the municipality as provided in O.C.G.A 32-7-4

## **4.2 Procedure**

The following steps outline the procedure for right of way abandonment:

1. The applicant must complete the “Application and Affidavit to Obtain Abandonment of Right of Way” (found in the appendix of this policy) and submit to the Right of Way Coordinator (hereinafter referred to as “RWC”).
2. The City’s RWC will review the application for completeness then forward to appropriate City personnel for review. Findings will be presented to the City Manager for direction and a decision to proceed with the abandonment process will be made within 60 days of receiving a completed application.
3. If approved by the City Manager, the request will be placed on the Council agenda for a public hearing. The City Clerk will advertise the abandonment hearing in the Johns Creek Herald for two consecutive weeks, post public notice signs at the abandonment site and notify the applicant and adjacent landowners of the date and time of the hearing via certified mail.
4. If Council approves of the abandonment, then the City Clerk will notify the applicant, adjacent landowners, applicable City Departments and other agencies. Abandoned right-of-way will be considered surplus property and can be disposed of in accordance with O.C.G.A. 32-7-4.

## **5.0 Surplus Property Disposal**

For purposes of this policy, surplus property is defined as real property owned by the City that has been determined to have no substantial public purpose.

Surplus property can be disposed of in various ways, including negotiated sale, sealed bids, auction, land swap, abandonment, or donation. In all cases where property was acquired for public road purposes, State law mandates the City must first offer the right to repurchase at fair market value to the previous owner or their successor in title, but in no event shall the sales price be less than the price paid for its acquisition. This conveyance is made subject to any easement of record and any legally permitted utility facilities. The transaction may also be subject to the retention of existing rights, easements for the support of drainage, or other title limitations.

### **5.1 Legal Compliance**

The disposal of surplus property is governed by the Official Code of Georgia Annotated, Title 32-7-3, Title 32-7-4, and Title 36-37-6; and by Federal Law through 23 CFR 710.403 and 710.409.

## 5.2 Procedure

The following steps outline the procedure for disposal of surplus property:

1. The applicant must submit information to the Public Works Department, including:
  - a. Written request for the disposition
  - b. Survey depicting area of right-of-way requested to be conveyed
  - c. Metes and bounds legal description of area requested to conveyed
  - d. Copy of applicant's deed vesting title
  - e. Copies of letters of consent from all adjoining landowners and other interested parties, if applicable
  - f. Copy of right-of-way dedication plats or deeds, if applicable
  - g. Attorney's title certificate documenting the history of the R/W through all of its recorded owners to present
  - h. Processing fee (see fee schedule in appendix)

*Note – documents and fee will not be necessary if they have been submitted through the abandonment process.*

2. The City's RWC will review the request then forward to appropriate City personnel for review. Findings will be presented to the City Manager for direction and a decision to proceed with the disposition process will be made within 60 days of receiving a completed application.

*Note – this step will not be necessary if already accomplished through the abandonment process.*

3. If the property is determined to be surplus to the needs of the City, then the RWC will determine the fair market value of the subject property via appraisal, cost estimate or other accepted means. The City reserves the right to request reimbursement for actual appraisal expenses. Estimates of the appraisal costs will be provided to applicants prior to appraisal services being performed.
4. An offer to purchase the surplus property at fair market value will be made to the previous owner or their successor in title. If the address of the owners is unknown then the City Clerk will publish a notice in the Johns Creek Herald for two weeks.
5. The previous landowner or their successor in title will have 60 days from the date the offer is made to accept the offer. All offers must be accepted in writing. If the offer is accepted, then the disposition will be placed on the Council agenda.
6. If Council approves of the disposition, then the previous owner or their successor in title will have an additional 60 days to close. The City will execute Quit Claim deeds at closing.
7. If the right of acquisition is not exercised within the 60-day time period, then the City may proceed to sell the property by any of the means as directed by State Law.

## 6.0 Privatization

Road privatization is the process of the City abandoning the public Right of Way of neighborhood streets to a private entity. After privatization, a road becomes a privately owned road and the City does not maintain the roadway or accept any liability for the roadway. Any necessary routine or emergency maintenance, such as resurfacing, surface water management, or sinkhole repair becomes the responsibility of the owner. The controlling entity may limit access to a private road as it sees fit, subject to City law and policy.

## 6.1 Legal Compliance

Streets belong to the general as well as the local public. If the control and general supervision of streets is conferred by the legislature upon the City, the City holds them in trust for the convenience and use of the public at large. It then becomes the City's duty to keep them in safe and suitable condition for the passage of persons and transportation of commodities. The basic principles of law regarding streets are pronounced in at least two cases, Jones, et al. v. City of Moultrie, et al., 196 Ga. 526 (1943); Accord: Soles v. City of Vidalia, 92 Ga. App. 839 (1955):

A highway is a public way open and free to any one who has occasion to pass along it on foot or with any kind of vehicle. The streets of a city belong to the public, and are primarily for the use of the public in the ordinary way. The primary object of streets is for public passage. They should be kept open and unobstructed for that purpose. The streets of the city are peculiarly within the police control for the purpose of preserving and protecting their use by the public as thoroughfares.

In addition to compliance with the general legal principles expressed above, the roadway privatization policy will comply with all applicable State and Federal laws.

## 6.2 Procedures—General

The following procedures are used for road privatization requests:

1. An applicant should submit a request to the RWC in writing for privatization of the desired roadway. A formal petition showing that 100% of the property owners in the community and along the affected roadway(s) affirm their support for the privatization should be submitted with the request along with the applicable processing fee (see fee schedule in appendix).
2. The Department of Public Works (DPW) will conduct an initial assessment, which will include review of GIS data, maps, existing traffic data and a field investigation. DPW will only support privatization of roads with a functional classification of "local streets" that do not connect to two or more collector roads.
3. DPW will consult with emergency service providers, Fulton County Schools and the Postmaster before approval of privatization so said services can be accommodated and not significantly impaired to render their required performances.
4. The DPW will conduct appropriate studies as indicated by the initial assessment to determine if the neighborhood qualifies. Findings will be presented to the City Manager for direction and a decision to proceed with the privatization process will be made within 60 days of receiving a completed application.
5. If Council approves of the privatization, then the applicant will follow the abandonment and disposition procedures as outlined in section 2 and 3 with the following specific additions:
  - a. The controlling entity for the privatized road will give the City permanent easements as may be required for the entirety of the existing R/W at no cost as a condition of privatization.
  - b. The controlling entity will file a revised plat and legal description indicating the new dispensation of the property. Any expenses or fees incurred in the filing will be the sole responsibility of the controlling entity.



- c. Any access control, such as a gate, that the residents of the road wish to install should conform in design and construction to all relevant City standards, regulations, and processes and must meet City Standards as if the road or neighborhood was newly constructed.

## **7.0 Roadway Donation**

Roadway donation is the acceptance of a privately constructed and maintained roadway or parcel of Right of Way into the public Right of Way. Once donated, the road and land in the donated Right of Way become public property to the extent of the conveyance. The City will thereafter maintain the roadway, performing any improvements or modifications deemed necessary.

Donated roadways can help the City expand the existing roadway network and provide connections that were previously unusable. The City should only accept roadways that conform to acceptable standards in order to limit potential maintenance burdens caused by substandard construction.

### **7.1 Procedure**

The following steps outline the procedure for the donation of a roadway:

1. An applicant shall submit a written request to the RWC for donation of the desired roadway along with the applicable processing fee (see fee schedule in appendix). A formal petition shall be submitted showing 100% of the property owners adjoining the road requested to be donated are in support of the donation.
2. The Department of Public Works will conduct an initial assessment, which will include review of GIS data, maps, existing traffic data and a field investigation. Roads must meet current City standards and regulations. Donation of right-of-way shall not cause a nonconforming use.
3. If, based on the initial assessment, the recommendation is to proceed with the donation process; Public Works staff will inspect the roadway to determine if the street is up to preventative maintenance standards. A determination will be made if core samples are necessary.
4. If core samples are necessary, the applicant will be requested to hire a qualified contractor/consultant to provide core samples at 100 foot intervals along the centerline of affected roadways. Only roadways that can demonstrate an appropriate sectional construction will be accepted. Roadway where core sample was taken shall be repaired using approved cold patch material.
5. Petitions will be verified by the RWC by cross checking against tax records.
6. Findings will be presented to the City Manager for direction and a decision to proceed with the donation process will be made within 60 days of receiving a completed request (including core samples, if required).
7. If the donation is approved by Council, then the applicant will be requested to revise the final plat showing a minimum of 11 feet of Right-of-Way from the back of curb or in compliance with current development regulations, whichever is greater. All utility boxes, hydrants, poles, or other utility related structures should fall within the dedicated right-of-way. This may require more Right-of-Way than the minimum 11 feet. Additionally, no structures, or portions thereof, may be located in the newly dedicated right-of-way.

Structures would include, but are not limited to, buildings monuments, fences or walls. All expenses associated with revising the final plat will be the sole responsibility of the applicant.

## **8.0 Neighborhood Petitions**

The City of Johns Creek requires 100% support from the community for roadway privatizations and donations. Any abstention or indication other than a “yes” will be considered a “no.”

A spouse’s signature will not be acceptable if he/she is not the legal owner. If both husband and wife are joint legal owners, both signatures are required. A “Mr. and Mrs.” signature is not acceptable. All owners must sign individually, including owners of undeveloped lots. Renting tenants are not an acceptable substitute for the legal homeowner. The percentages will be calculated, based on individual lots where the owners sign affirmatively, divided by the total number of lots in the neighborhood. Each lot counts as only one lot regardless of the number of owners signing. Where a neighborhood has a homeowners’ association or other legal mechanism allowing a group less than the previously stated required percentages to represent their position on matters such as these, this mechanism may replace the petition process as approved by the City Manager after consultation with the City Attorney.

The completed petition must be returned to the Transportation Division where it will be checked against tax records and land lot maps to ensure that it meets all requirements. The City reserves the right to set a reasonable expiration date on petition signatures.

Two styles of petitions are found in the appendix. The first is an example of a single sheet per property design which could be included in a Home Owner’s Association newsletter or passed out by volunteers. The second is a petition form that includes multiple signatures and could be carried around by volunteers or kept in a central location. Either form or reasonable variations on either are acceptable. Neighborhoods have had success with multiple distribution methods, and Public Works staff is available to offer advice and suggestions.

Submitted petitions should include a cover letter from the HOA Board, neighborhood president, or other responsible party attesting that all signatures are correct and valid to the best of their knowledge.

## **9.0 Appendix**

The following are the approved processing fees, standard forms and legal instruments used in the City of Johns Creek's right of way actions. By default, any submission to the City must use the standard forms. Any variation or modifications from the text presented may be required based upon individual circumstances and must be approved by the City Attorney. Prior to use, they should be completed with the correct information and placed on letterhead with the appropriate formatting.

## RIGHT OF WAY POLICY FEE SCHEDULE

Right of Way abandonment processing fee	\$150.00
Surplus property disposal processing fee	\$150.00
Right of Way dedication recording fee	\$35.00
Privatization processing fee	\$150.00
Roadway donation processing fee	\$150.00

## Application and Affidavit to Obtain Abandonment of Right-of-Way

COMES NOW, \_\_\_\_\_ the undersigned applicant, and makes the following affidavit and application to the City of Johns Creek, Georgia (“Johns Creek”). All facts contained herein are made under oath and notarized and the applicant, having been duly sworn under oath, states as follows:

1.

The applicant is the owner of the property set forth in the attached vesting deed and applicant owns the property adjoining the right-of-way of \_\_\_\_\_ as shown on the attached survey.

2.

The applicant is requesting that the right-of-way of \_\_\_\_\_ be abandoned for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_.

3.

In the event the right-of-way is abandoned by Johns Creek, such abandonment will not adversely affect any party in the immediate surrounding area and applicant states under oath that applicant knows of no party who would be left landlocked, in a hardship condition, or who objects to this abandonment.

4.

Applicant states that any other parties with any potential or actual interest in the right-of-way have been notified by sending such person a copy of this affidavit.

5.

The history of the right-of-way, from its construction and dedication, through all its recorded owners till the present, is as follows: (year dedicated either by plat or deed, currently being used by which landowners, etc., submit copies of any recorded plats or deeds.)

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

6.

The physical condition of the right-of-way as of the date of this application is as follows: (state whether paved, overgrown with trees, or whether there is any physical evidence of use):

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7.

Applicant hereby agrees to hold Johns Creek harmless from any and all responsibility, liability or damage of any type whatsoever regarding the abandonment of the City's interest in said right-of-way. It is understood by the applicant that applicant is not entitled to any abandonment as a matter of right, but only upon the terms and conditions as contained in this affidavit. Applicant hereby agrees The Mayor and Council may elect to sell the abandoned rights-of-way at its fair market value. The final decision regarding the disposition of the right-of-way abandonment will be made by the Johns Creek City Council.

8.

Applicant agrees to furnish Johns Creek, Georgia with a plat of survey, not more than ninety (90) days old, showing the location of the current right-of-way, the boundary lines of applicant's property, and the area of rights-of-way to be abandoned, as well as identify all utilities and drainage structures, pipes and ditches within the area of the subject right-of-way. Further, applicant agrees to record on the records of the Clerk of Fulton Superior Court, Atlanta, Georgia the original quitclaim deed and boundary survey depicting the abandoned right-of-way, within forty-eight (48) hours following the granting of any abandonment of such right-of-way.

9.

In the event the abandonment is granted, applicant consents to the fact that thereafter the City shall not be required to reinstall, construct, or otherwise expend City funds to improve subject abandoned right-of-way.

10.

Applicant shows that, if the abandonment is granted, applicant's proposed use of caption property after the abandonment is as follows:

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11.

In the event of abandonment of subject right-of-way, Johns Creek specifically retains any and all easements for drainage, utility or purposes other than roadway purposes which may exist over, under, through, or across the subject right-of-way. Any release of private easement rights or easement rights other than those of Johns Creek, i.e. utility companies, must be released by that easement holder.

12.

Applicant shall submit with this document a fee of one hundred fifty dollars (\$150.00) for the processing of this application, along with a copy of the owner's vesting deed, survey of the proposed abandonment, and copy of any development plans for the property.

13.

Applicant agrees that a misrepresentation or inaccuracy, either intentional or accidental, made by applicant in this application of procedure shall authorize the City to terminate the processing of this application or, if such shall be discovered after this application has been approved by the Johns Creek City Council, then such approval shall be subject to revocation by the City Council.

Applicant agrees that the City of Johns Creek is not required to abandon the subject right-of-way, and the decision for approval or denial of this application shall be made within ninety (90) days of this application being filed with the City Clerk. The applicant shall be notified in writing of the date of any public hearing and City Council decision concerning the subject right-of-way within three (3) business days prior to the hearing and/or Council meeting.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signed, sealed and delivered in the

Presence of:

\_\_\_\_\_

Notary Public

(SEAL)

\_\_\_\_\_

APPLICANT

\_\_\_\_\_

Address

\_\_\_\_\_

City

State

Zip

\_\_\_\_\_

Phone Number

# ATTACHMENTS

- Survey depicting area of right-of-way requested to be abandoned
- Metes and bounds legal description of area requested to be abandoned
- Copy of applicant's deed vesting title
- Copies of letters of consent from all adjoining landowners and other interested parties, if applicable
- Copy of right-of-way dedication plats or deeds, if applicable
- Attorney's title certificate documenting the history of the R/W through all of its recorded owners to present
- Processing fee



## ESTIMATE OF APPRAISAL CALCULATION

Project Name:

Parcel Number:

Record Owner:

Address of Subject Property:

Property Description:

Land Use Category:

Basis for Land Value Estimate:

Land to be Acquired:

<i>Acquisition Type</i>	<i>Area</i>	<i>Unit Value</i>	<i>Factor</i>	<i>Total</i>
Right-of-Way				
Permanent Easement				
Temporary Easement				

Site Improvements (list):

Total Site Improvements =

**Total Estimate =**

Certification:

I hereby certify that I am familiar with the property, which is the subject of this estimate, that the estimate is based on data contained in the file of the agency, and that I have no direct or indirect present or contemplated future personal interest in this property or in any benefit from the acquisition of this property.

Signed: \_\_\_\_\_

Date of Estimate: \_\_\_\_\_

**ESTIMATE OF APPRAISAL or DONATION WAIVER**

DATE: \_\_\_\_\_

NAME: \_\_\_\_\_  
STREET: \_\_\_\_\_  
CITY/STATE: \_\_\_\_\_

**RE: PROJECT:** \_\_\_\_\_  
**PARCEL #:** \_\_\_\_\_

Dear \_\_\_\_\_

This is to advise that plans are underway for the construction of \_\_\_\_\_  
\_\_\_\_\_.

The proposed construction will require additional right of way and/or easements. The plans indicate that you are one of the property owners from which right of way and/or easements must be acquired, as indicated on the attached plat. Our Right of Way Agent will be glad to point out the location of the required acquisition on the ground and accompany you on an inspection of this area if you so desire.

It is the responsibility of the City to acquire the necessary right of way and/or easements required for the project. The acquisition affecting your property allows you one of the following three options concerning real estate appraisals:

Please indicate your choice by executing one of the following:

- 1. I desire the offer of fair market value (just compensation) to be based upon a formal real estate appraisal.

\_\_\_\_\_(L.S.)

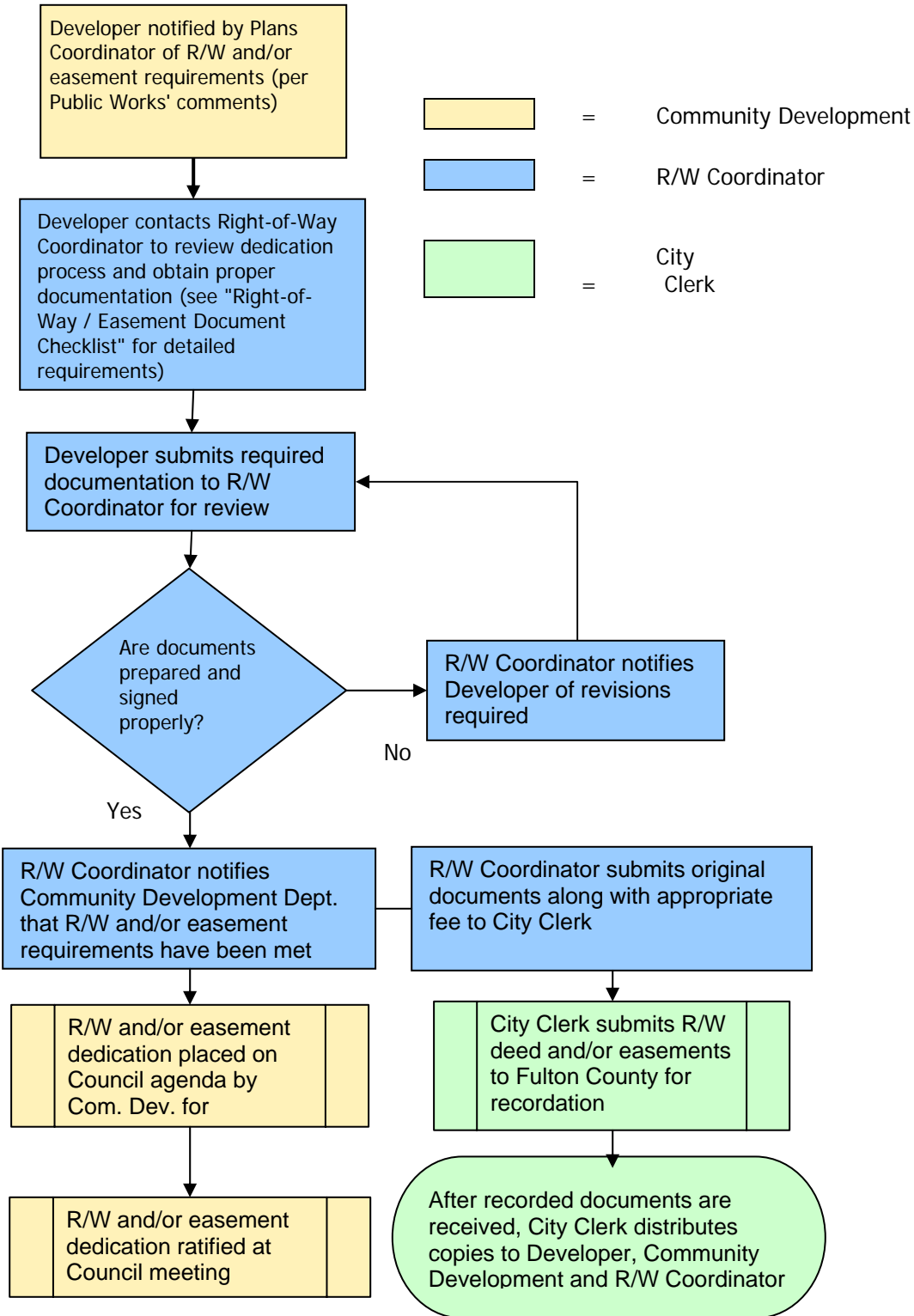
- 2. I desire to donate my property which is required for right of way, and do ( ) do not ( ) desire a formal appraisal.

\_\_\_\_\_(L.S.)

- 3. I desire to negotiate with the City for the required right of way settlement, for an amount of money or services, based on a streamlined procedure known as "Estimate of Appraisal Calculation". This estimate procedure is based upon market data, but does not utilize a formal real estate appraisal. If I reach an agreement with the City utilizing this procedure, a formal appraisal will not be done. If I do not reach an agreement with the City using this streamlined procedure, the City will prepare/have prepared a formal real estate appraisal from which the offer of fair market value will be based.

\_\_\_\_\_(L.S.)

# Right-of-Way/Easement Dedication Process



## **RIGHT-OF-WAY / EASEMENT DEDICATION DOCUMENT CHECKLIST**

### Legal Documents

The following items must be submitted to the Right-of-Way Coordinator for proper processing:

- Fully executed deed or easement (note there is a corporate and individual form) signed in accordance with signature requirements included in the document entitled “Requirements for Conveying Title to Land”. Print names below signature and provide title if applicable
- Executed “Owner’s Affidavit Form” (note there is a corporate and individual form)
- Copy of title report showing current ownership to the property OR copy of most recent recorded deed to property showing current ownership
- Proof of authorization to sign for corporation, LLC, partnership, etc.
- Metes and bounds legal description of area to be dedicated (to be attached as “Exhibit A” to the right-of-way deed/easement documents)
- Plat map (to be attached as “Exhibit B” to the right-of-way deed/easement documents) – Final plat will be used as the “Exhibit B” attachment for subdivisions
- Check payable to the City of Johns Creek to cover recording fees and courier fees (see fee schedule found in the appendix of the City’s Right-of-Way Policy)

### Plat Map Requirements

- Plat map shall be signed, stamped and dated by a professional engineer (P.E.) or a registered land surveyor
- Plat map shall be no smaller than 8 ½ by 11 inches and no larger than 11 x 17 inches
- Plat map shall provide enough information to easily identify dedicated right-of-way/easement area in the field.
- Name of project shall be shown on the map
- Parcel identification number and name of property owner(s) of each impacted property shall be included
- Map shall have a north arrow
- Scale of plat map shown (minimum scale 1” = 20’; maximum scale 1” = 100’)
- Describe right-of-way / easement area by bearing and distances
- Right-of-way / easement shall be tied back to the point of beginning
- Point of beginning shall be tied to a Fulton County GIS monument
- Indicate subdivision name (if known)

## Other Notes

- Please do not make any changes to the wording of the document without prior approval from the Right-of-Way Coordinator.
- Any changes made to the document should be crossed out and initialed by those signing the document.
- Projects often require the acquisition of property rights from neighboring property owners. In these situations, the petitioner must negotiate with the neighboring property owner in an attempt to acquire the necessary right-of-way and/or easements.

# REQUIREMENTS FOR CONVEYING TITLE TO LAND

## REQUIRED DOCUMENTATION

### *ITEM #1*

The City of Johns Creek must be assured that it is receiving right-of-way and/or easements from the proper entity. As such, we require **one** of the following:

- Copy of title report showing current ownership to the property
- Copy of most recently recorded deed to property showing current ownership

### *ITEM #2*

In Georgia, it is incumbent upon the Grantee (in this case the City of Johns Creek) to also assure itself that signatory is authorized to sign a document on the behalf of a corporation, LLC, partnership, etc. As a result we are also requiring a copy of the following documentation as proof of authorization to sign:

#### Ownership Entity

Corporation  
Limited Liability Corporation (LLC)  
Partnership  
Church  
Resolution

#### Required Documentation

Corporation By-Laws & Delegated Officers by the Secretary  
LLC's Articles of Organization or Board Resolution/Minutes  
Partnership Agreement  
Church By-Laws, Articles of Incorporation, or Church

*NOTE: We understand that some of this documentation may be lengthy. As a result, it will be acceptable to provide the cover page, the signature page(s) and the section of the document specific to authorized signatories. The submitted information should also include a listing of the current officers/members of the organization.*

## SIGNATURE REQUIREMENTS

For any deed to be recorded, one must have the deed witnessed and notarized. For specific persons or entities, particular requirements detailed below must be met for a deed to be recordable.

### **Individuals** (OCGA 44-5-30)

A deed to convey an interest in land must be:

- in writing,
- signed by the grantor(s)
- attested by at least two witnesses. (one should be an unofficial witness with the other being a notary public with the notary's seal affixed)
- delivered to the land purchaser or his representative
- made on a good or valuable consideration. (i.e., the land should be purchased; the land should not be a gift)

### **Corporations** (OCGA 14-5-7)

Instruments executed by a corporation conveying an interest in land should:

- be signed by the president or vice-president
- be attested or countersigned by the secretary or an assistant secretary or the cashier or assistant cashier of the corporation
- have a corporate seal
- be witnessed and notarized

OR

- be signed by the president or vice-president

- be attested or countersigned by an officer who has the authority to execute instruments by a corporate resolution or in accordance with its bylaws
- have a corporate seal
- be witnessed and notarized

**LLCs, or Limited Liability Companies** (OCGA 14-11-301 and OCGA 14-11-302)

Instruments executed by a Limited Liability Companies conveying an interest in land should be signed by a manager or member of the LLC, unless the manager or member does not have authority to sign for the LLC through the LLC’s articles of organization. The document should also be witnessed and notarized.

**Partnerships** (OCGA 14-8-10)

Instruments executed by a partnership conveying an interest in land should be signed under the following guidelines:

1. Where title to land is in the partnership name, the instrument should be signed by at least one partner, but we prefer to have the signatures of all of the partners.
2. Where title to land is in the name of one or more but not all the partners, the instrument should be signed by the partners in whose name the title stands
3. Where title to land is in the name of one or more or all the partners, all partners must sign the instrument

The document should be witnessed and notarized.

**Limited Partnerships** (OCGA 14-9-106)

Instruments conveying an interest in land should be signed by a general partner (unless there are limitations on the authority of the general partner to sign these instruments in the certificate of limited partnership). The document should be witnessed and notarized.

**Public Schools** (OCGA 20-2-520)

An instrument conveying title to Public School land should:

- be Sold in the name of the county board
- be signed by the president or secretary of the county board,
- have an order from the county board authorizing the sale of land.
- have the Seal of the school if one exists
- be witnessed and notarized

**Churches** (OCGA 14-5-47)

1. An instrument conveying title to Church land should comply with the requirements set forth in the church bylaws, Church Articles of Incorporation, or other written documentation such as a Church Resolution. Often, these Church bylaws state that a trustee of church property has the power to convey land or that the congregation must authorize the sale of land. Thus, one must ask to see copies of the Church bylaws or Articles of Incorporation before going through with a sale.

2. Either Individual requirements (above) and Corporation requirements (above) may apply to pass title. Thus, to be safe, one should also require that the instrument passing title:

- Have the Church Seal and
- Be witnessed and notarized

**Deeds Executed Out of State** (OCGA § 44-2-21)

In order to record a deed to Georgia realty executed outside the state, the deed must:

- be attested by or acknowledged before
  - A consul or vice-consul of the United States, whose certificate under his official seal shall be evidence of the fact; or
  - A judge of a court of record in the state or county where executed, with a certificate of the clerk under the seal of such court of the genuineness of the signature of such judge; or
  - A clerk of a court of record under the seal of the court; or
  - A notary public or justice of the peace of the county or city of the state or the state and the county, city, or country where executed, with his seal of office attached; if such notary public or justice of the peace has no seal, then his official character shall be certified by a clerk of any court of record in the county, city, or country of the residence of such notary or justice of the peace.
- be attested by two witnesses – one of whom may be one of the officials named above
- be in writing
- be signed by the grantor(s)

If the transfer of property involves an ESTATE, please contact the Right-of-Way Coordinator (678-512-3254) for further direction.

**IF UNSURE, ALWAYS ASK FOR LEGAL ADVICE ON HOW TO PROPERLY EXECUTE A DEED**



\*\*\*THIS DOCUMENT MUST ONLY BE RECORDED BY THE CITY OF JOHNS CREEK CITY CLERK OR HIS/HER DESIGNEE

Return to:  
City of Johns Creek  
Attn: City Clerk  
12000 Findley Road, Suite 400  
Johns Creek, GA 30097

<b>Project Name:</b>	<i>For City Use Only</i>
<b>Road/Street Name:</b>	<b>Approval Date:</b>
<b>Tax Parcel Identification No.:</b>	
<b>Land Disturbance Permit No.:</b>	<b>Initials:</b>
<b>Zoning/Special Use Permit No.:</b>	

**RIGHT-OF-WAY DEDICATION DEED (Corporate)**

**STATE OF GEORGIA,  
COUNTY OF FULTON**

This indenture entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, between \_\_\_\_\_, a corporation duly organized under the laws of the State of \_\_\_\_\_, party of the first part (hereinafter referred to as Grantor) and the **City of Johns Creek**, a Georgia municipal corporation, party of the second part (hereinafter referred to as Grantee).

WITNESSETH, that for and in consideration of Ten Dollars (\$10.00) and the benefits which will accrue to the undersigned property owner from laying out, constructing, and otherwise improving a public road across Grantor's property, Grantor(s) does (do) hereby agree to dedicate and dedicates (dedicate) to Grantee, and its duly constituted authorities, in FEE SIMPLE, all rights, title and interest which the Grantor(s) has (have) or may have in and to any portion of the property of the undersigned, included in or embraced within the limits of the right-of-way and appurtenances, spillways and embankments, described and more fully set forth in a plat thereof on file in the Johns Creek Department of Community Development, reference to which is hereby made for a more detailed description.

The Grantor hereby deeds to the City of Johns Creek sufficient land in FEE SIMPLE to establish right-of-way as indicated on the plans on file in the Department of Community Development for LDP Number \_\_\_\_\_ and on Exhibits "A" and "B". Said land is in Land Lot(s) \_\_\_\_\_ of the \_\_\_\_\_ District of Fulton County, Georgia, and more particularly described as follows: To wit:

*Project Name:* \_\_\_\_\_

**See Exhibits "A" and "B" attached hereto and made a part hereof**

Grantor(s) hereby releases (release) the City of Johns Creek, its agents and officers from any and all liability for damages occasioned directly or indirectly by the work contemplated and provided for herein. Said Grantor hereby warrants that it has the right to sell and convey said right of way and binds itself, its successors and assigns forever to warrant and defend the right and title to the above-described right of way and easements unto the said City of Johns Creek, its successors and assigns against the claims of all persons whomever by virtue of these presents. Said Grantor hereby waives for itself, its successors and assigns all rights to any further compensation or claim to damages on account of the construction or maintenance of said roadway as herein agreed.

IN WITNESS WHEREOF, Grantor(s) has (have) hereunto set his/her (their) hand (hands) and seal (seals) this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

Signed, sealed and delivered this \_\_\_\_\_  
day of \_\_\_\_\_, 20 \_\_\_\_\_  
In the presence of:

\_\_\_\_\_  
Witness

Grantor: \_\_\_\_\_  
Corporate Name

\_\_\_\_\_  
Notary Public, State of Georgia  
Commission Expires: \_\_\_\_\_  
[NOTARIAL SEAL]

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

\*\*\*THIS DOCUMENT MUST ONLY BE RECORDED BY THE CITY OF JOHNS CREEK CITY CLERK OR HIS/HER DESIGNEE

Return to:  
City of Johns Creek  
Attn: City Clerk  
11360 Lakefield Drive  
Johns Creek, GA 30097

<b>Project Name:</b>	<i>For City Use Only</i>
<b>Road/Street Name:</b>	<b>Approval Date:</b>
<b>Tax Parcel Identification No.:</b>	
<b>Land Disturbance Permit No.:</b>	<b>Initials:</b>
<b>Zoning/Special Use Permit No.:</b>	

**RIGHT-OF-WAY DEDICATION DEED (Individual)**

**STATE OF GEORGIA,  
COUNTY OF FULTON**

This indenture entered into this \_\_\_\_\_day of \_\_\_\_\_, 20\_\_\_\_, between \_\_\_\_\_, party of the first part (hereinafter referred to as Grantor) and the **City of Johns Creek**, a Georgia municipal corporation, party of the second part (hereinafter referred to as Grantee).

WITNESSETH, that for and in consideration of Ten Dollars (\$10.00) and the benefits which will accrue to the undersigned property owner from laying out, constructing, and otherwise improving a public road across Grantor's property, Grantor(s) does (do) hereby agree to dedicate and dedicates (dedicate) to Grantee, and its duly constituted authorities, in FEE SIMPLE, all rights, title and interest which the Grantor(s) has (have) or may have in and to any portion of the property of the undersigned, included in or embraced within the limits of the right-of-way and appurtenances, spillways and embankments, described and more fully set forth in a plat thereof on file in the Johns Creek Department of Community Development, reference to which is hereby made for a more detailed description.

The Grantor hereby deeds to the City of Johns Creek sufficient land in FEE SIMPLE to establish right-of-way as indicated on the plans on file in the Department of Community Development for LDP Number \_\_\_\_\_ and on Exhibits "A" and "B". Said land is in Land Lot(s) \_\_\_\_\_ of the \_\_\_\_\_ District of Fulton County, Georgia, and more particularly described as follows: To wit:

*Project Name:* \_\_\_\_\_

**See Exhibits "A" and "B" attached hereto and made a part hereof**

Grantor(s) hereby releases (release) the City of Johns Creek, its agents and officers from any and all liability for damages occasioned directly or indirectly by the work contemplated and provided for herein.

Said Grantor hereby warrants that it has the right to sell and convey said right of way and binds itself, its successors and assigns forever to warrant and defend the right and title to the above-described right of way and easements unto the said City of Johns Creek, its successors and assigns against the claims of all persons whomever by virtue of these presents. Said Grantor hereby waives for itself, its successors and assigns all rights to any further compensation or claim to damages on account of the construction or maintenance of said roadway as herein agreed.

IN WITNESS WHEREOF, Grantor(s) has (have) hereunto set his/her (their) hand (hands) and seal (seals) this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

Signed, sealed and delivered this \_\_\_\_\_  
day of \_\_\_\_\_, 20 \_\_\_\_\_  
In the presence of:

\_\_\_\_\_  
Witness

By: \_\_\_\_\_ (L.S.)

\_\_\_\_\_  
Notary Public, State of Georgia  
Commission Expires: \_\_\_\_\_  
[NOTARIAL SEAL]

Print Name: \_\_\_\_\_ (L.S.)

By: \_\_\_\_\_ (L.S.)

Print Name: \_\_\_\_\_ (L.S.)

By: \_\_\_\_\_ (L.S.)

Print Name: \_\_\_\_\_ (L.S.)

**AFFIDAVIT OF CORPORATE OWNER**

Personally appeared before me, the undersigned attesting authority in and for said State and County, the undersigned deponent who being duly sworn, deposes and says on oath that the following described property (hereinafter "Property") is owned by \_\_\_\_\_ (hereinafter "Owner"), to wit:

See Exhibits "A" and "B" Attached Hereto And By  
This Reference Incorporated Herein

That the Property is also fully described in a Right of Way Deed / Easement this date executed and delivered to the **City of Johns Creek** by Owner or under Owner's due authorization.

That deponent is \_\_\_\_\_ (title) of Owner and, as such, deponent is authorized to make this Affidavit and is personally familiar with the matters set forth herein.

That there is no outstanding indebtedness for equipment, appliances, or other fixtures attached to the Property.

That insofar as deponent is aware, all improvements on the Property are within the boundary lines of the Property and do not encroach on any other land.

That the lines and corners of the Property are clearly marked, and that there are no disputes concerning the location of the lines and corners.

That there are no pending suits, proceedings, judgments, bankruptcies, liens, or executions against Owner either in the aforesaid County or any other County in the State of Georgia, except for those items listed on *Exhibit C* attached hereto and by this reference incorporated herein.

That Owner has been in open and peaceful possession of the Property, that deponent knows of no adverse claims to Owner's claim of title, and that Owner has a perfect right to convey good, fee simple, marketable title to the Property free and clear of any liens or encumbrances.

That no improvements or repairs have been made on the Property during the ninety-five (95) days immediately preceding this date or, if there were any such improvements or repairs made, that the agreed price or reasonable value of all labor, services and materials has been paid to all contractors, subcontractors, suppliers, laborers, materialmen or other person providing such labor, services or materials; that the improvements or repairs have been fully completed in accordance with the terms of the contracts; that there are no contracts pending and not yet completed; and that there are no outstanding debts incurred for labor or materials used in making such improvements or repairs or for services of architects, surveyors, engineers or other person incurred in connection therewith. Deponent acknowledges that these representations regarding such improvements or repairs are made pursuant to the provisions of the Official Code of Georgia Annotated §44-14-361.2.

That there are no unpaid bills or liens against the Property for sewerage, water main, sidewalk or street improvements.

That there are no leases or tenancies on the Property.

That there are no retention of title contracts, bills of sale or other encumbrances of record affecting title to any personal property installed on the Property.

That Owner has received no notice of, nor is Owner aware of, any pending, threatened or contemplated action by any governmental authority or agency having the power of eminent domain, which might result in any part of the Property being taken by condemnation or conveyed in lieu thereof.

That Owner has not entered into, nor are there, any agreements or contracts relating to any development, sale or leasing of the Property except to the CITY OF JOHNS CREEK.

That Owner has received no notice (oral or written) that any municipality or other governmental or quasi-governmental authority has determined that there are any violations of zoning, health, environmental, or other statutes, ordinances or regulation affecting the Property, and Owner has no knowledge of any such violation. In the event Owner has knowledge of any such violations prior to the closing of the sale of the Property to the CITY OF JOHNS CREEK, Owner shall promptly notify the CITY OF JOHNS CREEK thereof.

That Owner has no knowledge of the Property having been previously used as a landfill, dump, or storage facility for garbage or refuse.

That Owner has received no notice (oral or written) of the existence of any areas on the Property where "hazardous substances or waste" (as hereinafter defined) have been disposed of, released, or found, and deponents have no knowledge of the existence of any such areas or of the storage or disposal of any hazardous substances or waste on the Property. For purposes of this Affidavit, the term "hazardous substances or waste" shall mean petroleum (including crude oil or any fraction thereof), petroleum products, asbestos or asbestos products and any substance identified in CERCLA, or any other federal, state or county legislation or ordinances regarding use, storage or disposal of substances which may be termed "hazardous" or "waste."

That Owner is not classed as non-resident alien for purposes of income taxation by the United States of America.

Deponent is aware that this affidavit is made to induce the CITY OF JOHNS CREEK to accept the Property from Owner. Deponent acknowledges that the matters set forth herein pertain to such state of facts as exists on the date this Affidavit is given prior to the delivery of the Right of Way Deed / Easement to the CITY OF JOHNS CREEK.

Signed, sealed and delivered this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_\_  
in the presence of:

GRANTOR: \_\_\_\_\_  
Corporate Name

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_  
Notary Public, State of Georgia

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_

Commission Expires: \_\_\_\_\_

Title: \_\_\_\_\_

[NOTARIAL SEAL]

**AFFIDAVIT OF OWNER(S) (Individual)**

Personally appeared before me, the undersigned attesting authority in and for said State and County, the undersigned deponent who being duly sworn, deposes and says on oath that the following described property (hereinafter "Property") is owned by \_\_\_\_\_ (hereinafter "Owner(s)"), to wit:

See Exhibits "A" and "B" Attached Hereto and By  
This Reference Incorporated Herein

That the Property is also fully described in a Right of Way Deed / Easement this date executed and delivered to the **City of Johns Creek** by Owner or under Owner's due authorization.

That there is no outstanding indebtedness for equipment, appliances, or other fixtures attached to the Property.

That insofar as deponent or deponents are aware, all improvements on the Property are within the boundary lines of the Property and do not encroach on any other land.

That the lines and corners of the Property are clearly marked, and that there are no disputes concerning the location of the lines and corners.

That there are no pending suits, proceedings, judgments, bankruptcies, liens, or executions against Owner(s) either in the aforesaid County or any other County in the State of Georgia, except for those items listed on *Exhibit C* attached hereto and by this reference incorporated herein.

That Owner(s) have been in open and peaceful possession of the Property, that deponent knows of no adverse claims to Owner's claim of title, and that Owner(s) has a perfect right to convey good, fee simple, marketable title to the Property free and clear of any liens or encumbrances.

That no improvements or repairs have been made on the Property during the ninety-five (95) days immediately preceding this date or, if there were any such improvements or repairs made, that the agreed price or reasonable value of all labor, services and materials has been paid to all contractors, subcontractors, suppliers, laborers, materialmen or other person providing such labor, services or materials; that the improvements or repairs have been fully completed in accordance with the terms of the contracts; that there are no contracts pending and not yet completed; and that there are no outstanding debts incurred for labor or materials used in making such improvements or repairs or for services of architects, surveyors, engineers or other person incurred in connection therewith. Deponent(s) acknowledges that these representations regarding such improvements or repairs are made pursuant to the provisions of the Official Code of Georgia Annotated §44-14-361.2.

That there are no unpaid bills or liens against the Property for sewerage, water main, sidewalk or street improvements.

That there are no leases or tenancies on the Property.

That there are no retention of title contracts, bills of sale or other encumbrances of record affecting title to any personal property installed on the Property.

That Owner(s) has/have received no notice of, nor is/are Owner(s) aware of, any pending, threatened or contemplated action by any governmental authority or agency having the power of eminent domain, which might result in any part of the Property being taken by condemnation or conveyed in lieu thereof.

That Owner(s) has/have not entered into, nor are there, any agreements or contracts relating to any development, sale or leasing of the Property except to the CITY OF JOHNS CREEK.

That Owner(s) has/have received no notice (oral or written) that any municipality or other governmental or quasi-governmental authority has determined that there are any violations of zoning, health, environmental, or other statutes, ordinances or regulation affecting the Property, and Owner(s) has/have no knowledge of any such violation. In the event Owner(s) has/have knowledge of any such violations prior to the closing of the sale of the Property to the CITY OF JOHNS CREEK, Owner(s) shall promptly notify the CITY OF JOHNS CREEK thereof.

That Owner(s) has/have no knowledge of the Property having been previously used as a landfill, dump, or storage facility for garbage or refuse.

That Owner(s) has/have received no notice (oral or written) of the existence of any areas on the Property where "hazardous substances or waste" (as hereinafter defined) have been disposed of, released, or found, and deponent(s) has/have no knowledge of the existence of any such areas or of the storage or disposal of any hazardous substances or waste on the Property. For purposes of this Affidavit, the term "hazardous substances or waste" shall mean petroleum (including crude oil or any fraction thereof), petroleum products, asbestos or asbestos products and any substance identified in CERCLA, or any other federal, state or county legislation or ordinances regarding use, storage or disposal of substances which may be termed "hazardous" or "waste."

That Owner(s) is/are not classed as non-resident alien for purposes of income taxation by the United States of America.

Deponent(s) is/are aware that this affidavit is made to induce the CITY OF JOHNS CREEK to accept the Property from Owner(s). Deponent(s) acknowledge(s) that the matters set forth herein pertain to such state of facts as exists on the date this Affidavit is given prior to the delivery of the Right of Way Deed / Easement to the CITY OF JOHNS CREEK.

Signed, sealed and delivered this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_\_  
in the presence of:

\_\_\_\_\_

By: \_\_\_\_\_ (L.S.)

Witness

Print Name: \_\_\_\_\_ (L.S.)

\_\_\_\_\_

By: \_\_\_\_\_ (L.S.)

Notary Public, State of Georgia

Commission Expires: \_\_\_\_\_  
[NOTARIAL SEAL]

Print Name: \_\_\_\_\_ (L.S.)

By: \_\_\_\_\_ (L.S.)

Print Name: \_\_\_\_\_ (L.S.)



\*\*\*THIS DOCUMENT MUST ONLY BE RECORDED BY THE CITY OF JOHNS CREEK CITY CLERK OR HIS/HER DESIGNEE

Return to:  
City of Johns Creek  
Attn: City Clerk  
11360 Lakefield Drive  
Johns Creek, GA 30097

<b>Project Name:</b>	<i>For City Use Only</i>
<b>Road/Street Name:</b>	<b>Approval Date:</b>
<b>Tax Parcel Identification No.:</b>	
<b>Land Disturbance Permit No.:</b>	<b>Initials:</b>
<b>Zoning/Special Use Permit No.:</b>	

**STATE OF GEORGIA  
COUNTY OF FULTON**

**PERPETUAL SIDEWALK EASEMENT**

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

**WHEREAS, (OWNERSHIP ENTITY/NAME AS RECORDED)** desires for the City of Johns Creek to maintain a sidewalk easement on the property described below and designated as (NAME OF DEVELOPMENT).

**THEREFORE,** in consideration of ten dollars (\$10.00), and other value received, (OWNERSHIP ENTITY/NAME AS RECORDED), hereinafter referred to as “Grantor,” do hereby grant to the **CITY OF JOHNS CREEK**, a Georgia municipal corporation, hereinafter referred to as “Grantee,” its successors and assigns forever, the right, title and privilege of a perpetual easement of a sidewalk, constructed by the Grantor at Grantor’s own expense, within the area described as follows:

**See Exhibits “A” and “B” attached hereto and made a part hereof**

Grantor, in addition to the above, hereby expressly grants to the City of Johns Creek, its successors and assigns, the right to uninhibited public access, use, ingress and egress of the property described above at all times, and the right to construct, demolish, remove, repair and otherwise maintain the easement as well as all Grantee owned improvements of any nature or description, lying wholly or partially situated within the property described above.

Grantee shall be solely responsible for the maintenance, repair, restoration and replacement of any and all parts of the easement at Grantee’s expense, and shall accept all responsibility and liability of a public easement.

Grantor hereby warrants that Grantor has the right to sell and convey said land and binds Grantor, its heirs, executors and administrators forever to defend by virtue of these presents.

The Grantor releases the City of Johns Creek from any and all past, present or future claims for damages or further compensation for the acquisition of the easement and rights herein conveyed, including any claims for consequential damages to the remainder of Grantor's property, arising out of or in any way connected with the proper, non-negligent maintenance and use of the easement.

IN WITNESS WHEREOF, Grantor has hereunto set its hand and seal the day above written.

Signed, sealed and delivered this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_\_  
in the presence of:

GRANTOR: (OWNERSHIP ENTITY/NAME AS RECORDED)

\_\_\_\_\_

Witness

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

\_\_\_\_\_

Notary Public, State of Georgia

Commission Expires: \_\_\_\_\_

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

[NOTARIAL SEAL]

City of Johns Creek Department of Public Works  
11360 Lakefield Drive  
Johns Creek, Georgia 30097  
678-512-3200

## PETITION FOR ROADWAY PRIVATIZATION

I, the undersigned, being the owner of real property located at

---

in the City of Johns Creek, in the

---

neighborhood, do hereby petition for privatization of

---

so that ownership of the right-of-way will transfer to the neighborhood home owners' association.

I do hereby pledge and consent to the request for ownership in common of the above listed roadway. The City of Johns Creek has no maintenance or liability interest in any private road. Maintenance and liability for the roadway will be the sole responsibility of the home owners' association, if privatized.

---

Print Name (First, Last)

---

Signature

---

Date

---

Print Name (First, Last)

---

Signature

---

Date

## PETITION FOR ROADWAY PRIVATIZATION

I do hereby pledge and consent to the request for ownership in common of

\_\_\_\_\_.  
 The City of Johns Creek has no maintenance or liability interest in any private road. Maintenance and liability for the roadway will be the sole responsibility of the home owners' association, if privatized.

Printed Name	Signature	Indication:		Property Street Address
		YES	NO	

Neighborhood: \_\_\_\_\_  
 \_\_\_\_\_

Date:

Page \_\_\_\_\_ of \_\_\_\_\_

City of Johns Creek Department of Public  
Works 11360 Lakefield Drive  
Johns Creek, Georgia 30097  
678-512-3200

## PETITION FOR ROADWAY DONATION

I, the undersigned, being the owner of real property located at

---

in the City of Johns Creek, in the

---

neighborhood, do hereby petition for donation of

---

so that ownership and maintenance responsibility will transfer to the City of Johns Creek.

---

Print Name (First, Last)

---

Signature

---

Date

---

Print Name (First, Last)

---

Signature

---

Date

## PETITION FOR ROADWAY DONATION

I do hereby pledge and consent to the donation of \_\_\_\_\_, so that ownership and maintenance responsibility will transfer to the City of Johns Creek.

Printed Name	Signature	Indication:		Property Street Address
		YES	NO	

Neighborhood: \_\_\_\_\_  
 \_\_\_\_\_

Date:

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