



# DeKalb County Government

Manuel J. Maloof Center  
1300 Commerce Drive  
Decatur, Georgia 30030

## Agenda Item

File ID: 2018-1514

Substitute

4/10/2018

Public Hearing: YES  NO

Department: GIS Department

### **SUBJECT:**

Commission District(s): 4 & 6

Resolution to Consider Abandonment of a 0.336 acre Section of Patterson Avenue Right of Way

Information Contact: Stacy Grear

Phone Number: (404) 371-2257

### **PURPOSE:**

To consider making a determination that a 0.336 acre section of Patterson Avenue has ceased to be used by the public to the extent that no substantial public purpose is served by said right of way. The approval of the abandonment is contingent upon the development of the property in compliance with the conceptual site plan submitted.

### **NEED/IMPACT:**

The adjoining property owner has requested that 0.336 acre section of Patterson Avenue right of way be abandoned. The subject property is zoned "M" and valued at \$4,200.00 by the Property Appraisal Department. Sale of the property would return it to the tax roll. The Planning & Sustainability Department has recommended abandonment of the right of way segment, pursuant to the provisions of the DeKalb County Organization Act, Article VI, Sec. 2-181(b)(1). The subject property is no longer needed for road purposes by DeKalb County; no substantial public purpose is served by its continued existence.

The County Attorney's Office has reviewed the attached resolution and has approved it as-to-form.

### **FISCAL IMPACT:**

There is no fiscal impact.

### **RECOMMENDATION:**

Adopt the attached resolution declaring the subject property abandoned and authorize the Chief Executive Officer to execute all necessary documents contingent upon the development of the property in compliance with the conceptual site plan submitted.

## RESOLUTION

**A RESOLUTION BY THE BOARD OF COMMISSIONERS OF DEKALB COUNTY, GEORGIA, TO CONSIDER THE ABANDONMENT OF A PORTION OF PATTERSON AVENUE A PUBLIC RIGHT-OF-WAY LOCATED IN LAND LOT 9 OF THE 18<sup>th</sup> DISTRICT OF DEKALB COUNTY, GEORGIA.**

**WHEREAS**, the owners of the property adjoining a public right-of-way of Patterson Avenue have requested abandonment of a section of the right-of-way, located in Land Lot 9 of the 18th District of DeKalb County consisting of approximately 0.336 acre and identified in Exhibit "A" (the "subject property"); and

**WHEREAS**, the subject property is no longer needed for road purposes by DeKalb County, no substantial public purpose is served by its continued existence and, therefore, pursuant to O.C.G.A § 32-7-2, the subject property may be abandoned as a public road; and

**WHEREAS**, the abandonment and subsequent sale of the subject property would serve the public purpose of continuing the productive use of the property and returning the property to the tax rolls of DeKalb County; and

**WHEREAS**, notice of a public hearing has been provided to all property owners located thereon and notice has been published once a week for a period of two weeks pursuant to O.C.G.A. § 32-7-2 (b)(1); and

**WHEREAS**, a public hearing has been conducted regarding the proposed abandonment as required by O.C.G.A. § 32-7-2 (b)(1).

**NOW, THEREFORE, BE IT RESOLVED** by the governing authority of DeKalb County, Georgia, that:

1) The unused right-of-way segment identified in Exhibit "A" is no longer needed for public road purposes; and

2) That the Chief Executive Officer is authorized to dispose of said property by quitclaim deed for no less than its fair market value as provided in O.C.G.A. § 32-7-4,

provided that the approval of the abandonment is contingent upon the development of the property in compliance with the conceptual site plan submitted. Furthermore, nothing herein shall be construed to deprive any person or other legal entity of any private right which might have been acquired pursuant to purchase according to any recorded plat or to affect any existing easements, for utilities or other purpose, held by a legal entity other than DeKalb County, Georgia. Provided further that the county hereby reserves for itself, its successors and assigns any and all existing water and sewer easements upon, over, across and under the above-described property and an easement upon, over, across and under the above-described property for the collection, direction, concentration, discharge, ponding or retention of rain waters, surface waters or other waters from the roads, streets, alleys, parks, lots, ditches, culverts, drains, lakes, rivers, streams, ponds and properties of DeKalb County, Georgia, or properties devoted to a public use. Notwithstanding the foregoing, DeKalb County reserves the right to reject any and all bids submitted as a result of this Resolution.

**(SIGNATURES APPEAR ON THE FOLLOWING PAGE)**

ADOPTED by the DeKalb County Board of Commissioners, this \_\_\_\_\_ day  
of \_\_\_\_\_, 2018.

\_\_\_\_\_  
**Kathie Gannon**  
Presiding Officer  
Board of Commissioners  
DeKalb County, Georgia


APPROVED by the Chief Executive Officer of DeKalb County, this \_\_\_\_\_ day  
of \_\_\_\_\_, 2018.

\_\_\_\_\_  
**Michael L. Thurmond**  
Chief Executive Officer  
DeKalb County, Georgia


**ATTEST:**

\_\_\_\_\_  
**Barbara H. Sanders-Norwood, CCC**  
Clerk  
Board of Commissioners and  
Chief Executive Officer  
DeKalb County, Georgia

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
**Nicole W. Aigner**  
Senior Assistant County Attorney  
DeKalb County, Georgia

**APPROVED AS TO SUBSTANCE:**

  
\_\_\_\_\_  
**Stacy Grear**  
Director  
Geographical Information Systems  
DeKalb County, Georgia

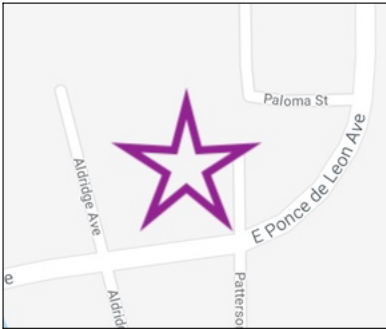
**EXHIBIT "A"**

**Patterson Avenue**

**(Right of way to be Abandoned)**

All that tract or parcel of land lying and being in Land Lot 9, 18<sup>th</sup> District, City of Scottdale, Dekalb County, Georgia, and being more particularly described as follows:

**BEGINNING** at a point on the westerly right of way of Patterson Avenue (50 foot right of way), said point being 23.03 feet northerly from the intersection of the northerly right of way of East Ponce de Leon Avenue (right of way varies) and the westerly right of way of Patterson Avenue; thence continue along said right of way of Patterson Avenue the following courses and distances: N 01°13'26" W a distance of 72.45 feet to a 2 inch open top pipe found; thence N 00°29'06" W a distance of 229.65 feet to a point at the intersection of the westerly right of way of Patterson Avenue and the southerly right of way of Paloma Drive (50 foot right of way); thence along said right of way of Paloma Drive S 89°51'50" E a distance of 50.00 feet to a point; thence leaving said right of way, along the easterly right of way of Patterson Avenue S 00°29'06" E a distance of 283.54 feet to a point on the northerly right of way of East Ponce de Leon Avenue; thence along said right of way along a curve to the right, following the curvature thereof for an arc distance of 52.29 feet; said curve having a radius of 410.88 feet and being subtended by a chord of S 69°21'32" W 52.26 feet to the **POINT OF BEGINNING**. Said tract contains 14,642 square feet or 0.336 acre.



Location Map

Emerg. Vehicle Only

Tree Save Area

Unit Summary

Townhomes 42  
Density 10.5 u/a

**Site Plan**

20 Feb 2018 1" = 50'



**GENERAL NOTES~**

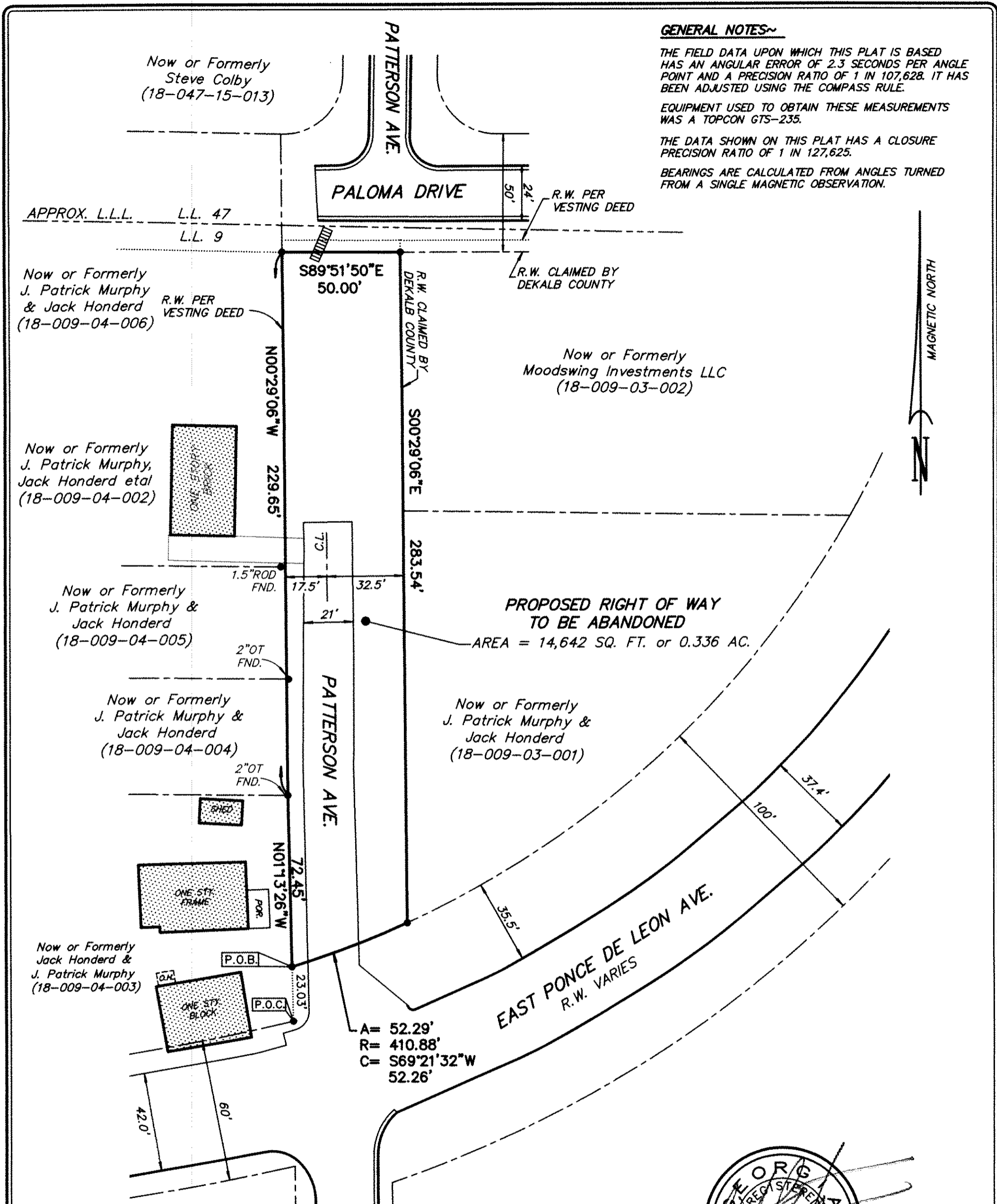
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS AN ANGULAR ERROR OF 2.3 SECONDS PER ANGLE POINT AND A PRECISION RATIO OF 1 IN 107,628. IT HAS BEEN ADJUSTED USING THE COMPASS RULE.

EQUIPMENT USED TO OBTAIN THESE MEASUREMENTS WAS A TOPCON GTS-235.

THE DATA SHOWN ON THIS PLAT HAS A CLOSURE PRECISION RATIO OF 1 IN 127,625.

BEARINGS ARE CALCULATED FROM ANGLES TURNED FROM A SINGLE MAGNETIC OBSERVATION.

MAGNETIC NORTH



A = 52.29'  
 R = 410.88'  
 C = S69°21'32"W  
 52.26'

**ABBREVIATIONS**

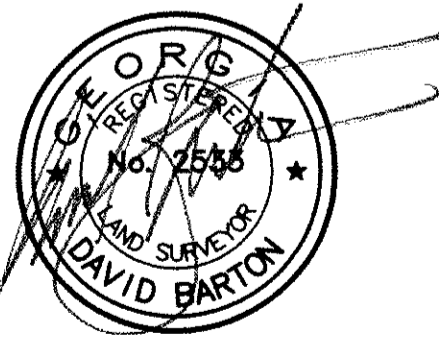
- IPF = IRON PIN FOUND
- IPS = IRON PIN SET
- R.W. = RIGHT OF WAY
- SSE = SANITARY SEWER EASEMENT
- DE = DRAINAGE EASEMENT
- LLL = LAND LOT LINE
- C.L. = CENTERLINE
- #4RB = 1\2" REBAR
- CT = CRIMP TOP PIN
- OT = OPEN TOP PIN
- CMP = CORRUGATED METAL PIPE
- DI = DROP INLET
- JB = JUNCTION BOX
- MH = MANHOLE
- CB = CATCH BASIN
- BM = BENCHMARK
- PP = POWER POLE
- FH = FIRE HYDRANT
- B.C. = BACK OF CURB
- E.P. = EDGE OF PAVEMENT
- TX = TRANSFORMER

**RIGHT OF WAY ABANDONMENT PLAT FOR  
 PATTERSON T.I.C.**

LOCATED IN LAND LOT 9  
 18th DISTRICT, CITY OF SCOTSDALE  
 DEKALB COUNTY, GEORGIA  
 AUGUST 12, 2016 1"=40'



REVISED MAY 26, 2017  
 REVISED JUNE 30, 2017  
 REVISED JULY 26, 2017



**BARTON SURVEYING  
 INC.**

P.O. BOX 640  
 LEBANON, GEORGIA 30146  
 (770) 345-2810  
 (LICENSE No. LSF 000151)

**EXHIBIT "A"**

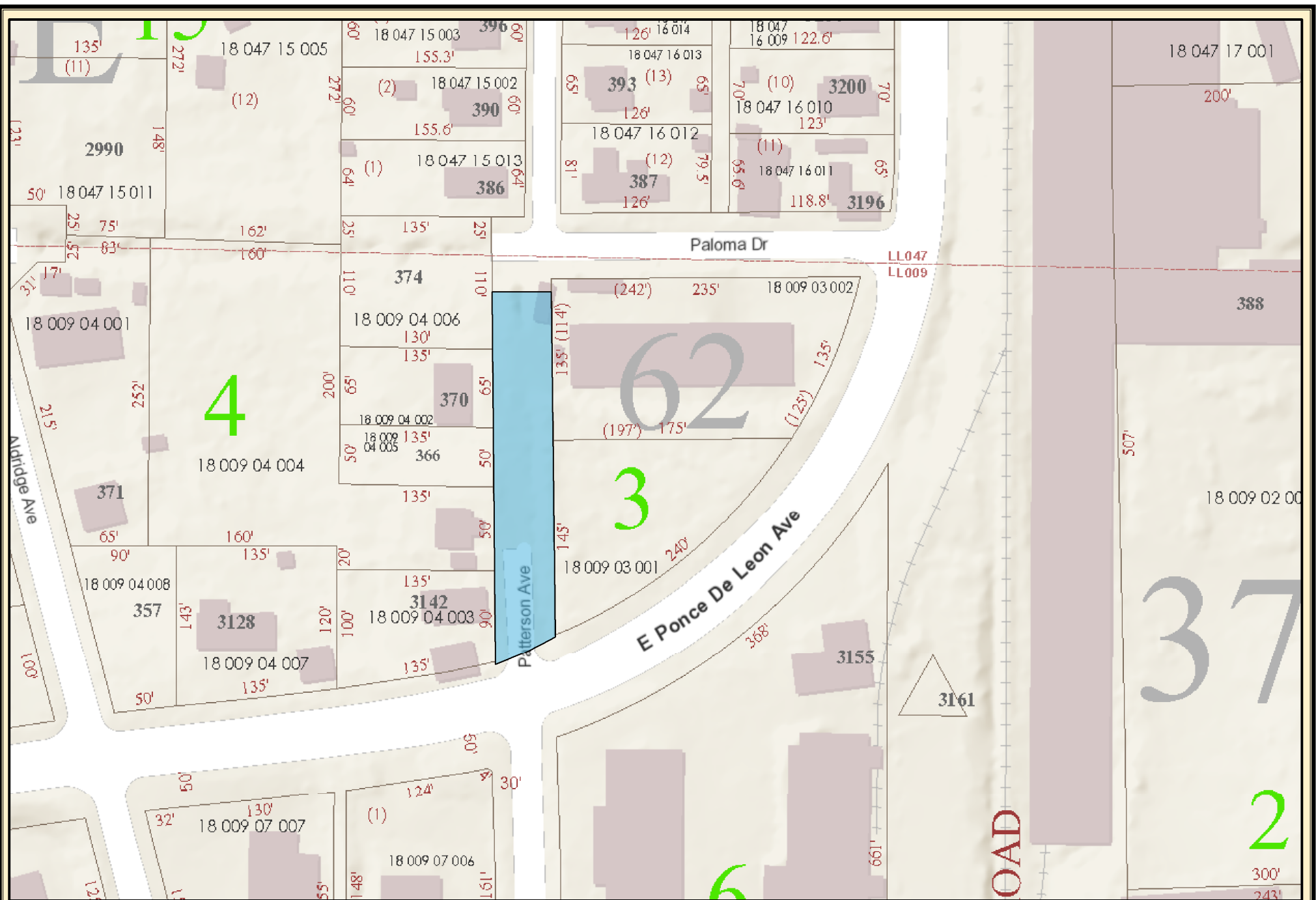
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**(Right of way to be Abandoned)**

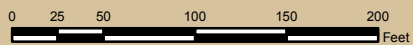
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## Map - Patterson Ave 18 009



Date Printed: 10/10/2017



### DeKalb County GIS Disclaimer

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