



02/14/24

DeKalb County Government

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

Agenda Item

File ID: 2024-0164

Walk-On Item

02/14/2024

Public Hearing: YES NO

Department: Board of Commissioners

SUBJECT:

Commission District(s): All Commission Districts

To amend the Resolution attached to agenda item 2024-0164; and approve agenda item with correction to the proposed public hearing date.

Information Contact: Stacy Grear

Phone Number: 404-371-2257

PURPOSE:

To amend the Resolution attached to Agenda Item 2024-0164 seeking to schedule a date and time for a public hearing related to the potential abandonment of a 13,317 SF section of right of way known as Lancaster Road, Conley, GA 30288, located in Land Lot 17 of the 15th District of DeKalb County, Georgia; and accept this Walk-On Substitute agenda item correcting the scrivener's error found in the Resolution attachment of Agenda Item 2024-0164, correcting the public hearing date.

NEED/IMPACT:

A scrivener's error has been found in the Resolution attachment of Agenda Item 2024-0164. This agenda item corrects the scrivener's error by replacing public hearing date from March 27th to March 26th. The revised resolution is attached.

FISCAL IMPACT:

None.

RECOMMENDATION:

Accept the Resolution changing the public hearing date from March 27, 2024 to March 26, 2024. Move to approve this agenda item correcting the scrivener's error found in the agenda item 2024-0164 Resolution attachment. Adopt the amended resolution and authorize the Chief Executive Officer to execute all necessary documents in a form acceptable to the County Attorney.

RESOLUTION

A RESOLUTION BY THE GOVERNING AUTHORITY OF DEKALB COUNTY, GEORGIA, TO SET A DATE AND TIME FOR A PUBLIC HEARING RELATED TO THE POTENTIAL ABANDONMENT OF A 13,317 SQFT (0.30-ACRE) SECTION OF RIGHT-OF-WAY KNOWN AS LANCASTER RD, CONLEY, GA 30288, LOCATED IN LAND LOT 17 OF THE 15th DISTRICT OF DEKALB COUNTY, GEORGIA.

WHEREAS, the owner of the property adjoining a public right-of-way of Lancaster Rd has requested the abandonment of right-of-way, located in Land Lot 17 of the 15th District of DeKalb County, consisting of approximately 13,317 SF known as Lancaster Rd 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(b)(1), 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 subject property, relieving the public from the charge of maintaining the subject property, and returning the subject property to the tax rolls of DeKalb County; and

WHEREAS, O.C.G.A. § 32-7-2(b)(1) requires that notice of the proposed abandonment of the subject property be given to all property owners located thereon and that notice of the proposed abandonment be published in the newspaper in which the sheriff’s advertisements for the county are published once a week for a period of two weeks; and

WHEREAS, O.C.G.A. § 32-7-2(b)(1) requires that a public hearing be held on the proposed abandonment before the county may declare the section of the road system abandoned.

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

1) Pursuant to O.C.G.A. § 32-7-2 (b)(1), the county shall notify all landowners on or adjacent to the subject property of the proposed abandonment of the subject property and provide publication of the proposed abandonment as provided by law; and

2) The Board of Commissioners shall hold a public hearing at its regular Board meeting on March 26, 2024 at 10:00 a.m. regarding abandonment of the subject property, after which it will consider declaring the subject property abandoned by certification recorded in its minutes and accompanied by a plat, sketch and legal description of the subject property.

ADOPTED by the DeKalb County Board of Commissioners, this _____ day of _____, 2024.

Mereda Davis Johnson
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this _____ day of ___, 2024.

Michael L. Thurmond
Chief Executive Officer
DeKalb County, Georgia

ATTEST:

Barbara H. Sanders-Norwood, CCC
Clerk to the Board of Commissioners and
Chief Executive Officer
DeKalb County, Georgia

APPROVED AS TO FORM:

County Attorney
DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:

Stacy Grear
Director
Geographical Information Systems
DeKalb County, Georgia

EXHIBIT "A"

Lancaster Road Right-of-Way Abandonment Tract

All that tract or parcel of land lying and being in Land Lot 17 of the 15th District, Dekalb County, Georgia, and being more particularly described as follows:

COMMENCING at a 1-inch open-topped pipe found at the southwesterly corner of Land Lot 17, also being on the common line to Fulton County and Dekalb County; THENCE, northerly along the westerly side of Land Lot 17, also being the Fulton County and Dekalb County line, a distance of 1,932.59 feet to a point being located on the southerly side of Lancaster Road right-of-way; said point also being known as the POINT OF BEGINNING.

THENCE, from the POINT OF BEGINNING and northerly along said line a bearing of North 00 degrees 09 minutes 26 seconds East, a distance of 20.34 feet to a point; THENCE, easterly along the northerly right-of-way of Lancaster Road the following bearings and distance: North 79 degrees 37 minutes 00 seconds East, a distance of 96.69 feet to a point; THENCE North 85 degrees 47 minutes 00 seconds East, a distance of 96.14 feet to a point; THENCE, South 84 degrees 49 minutes 00 seconds East, a distance of 128.15 feet to a point; THENCE, South 88 degrees 46 minutes 00 seconds East, a distance of 123.97 feet to a point; THENCE, North 89 degrees 05 minutes 00 seconds East, a distance of 83.32 feet to a point; THENCE, South 87 degrees 46 minutes 59 seconds East, a distance of 137.52 feet to a point on the common line with ATL Aggregates LLC; THENCE, southerly along said common line a bearing of South 01 degrees 19 minutes 19 seconds West, a distance of 20.08 feet to a point; THENCE, westerly along the southerly right-of-way of Lancaster Road the following bearings and distances: North 87 degrees 45 minutes 03 seconds West, a distance of 137.29 feet to a point; THENCE, South 89 degrees 05 minutes 00 seconds West, a distance of 83.14 feet to a point; THENCE, North 88 degrees 46 minutes 00 seconds West, a distance of 125.03 feet to a point; THENCE, North 84 degrees 49 minutes 00 seconds West, a distance of 127.19 feet to a point; THENCE, South 85 degrees 47 minutes 00 seconds West, a distance of 93.42 feet to a point; THENCE, South 79 degrees 37 minutes 00 seconds West, a distance of 99.33 feet to the POINT OF BEGINNING.

The herein described right-of-way abandonment contains 13,317 square feet or 0.306 acre, more or less.