

RESOLUTION

A RESOLUTION BY THE BOARD OF COMMISSIONERS OF DEKALB COUNTY, GEORGIA, TO CONSIDER THE ABANDONMENT OF A PORTION OF A PUBLIC RIGHT-OF-WAY LOCATED AT 298 OHM AVENUE, AVONDALE ESTATES, 30002 IN LAND LOT 9 OF THE 18th DISTRICT OF DEKALB COUNTY, GEORGIA.

WHEREAS, the owner of the property adjoining a public right-of-way known as Ohm Avenue has requested the abandonment of a section of the right-of-way, located in Land Lot 9 of the 18th District of DeKalb County consisting of approximately 0.029-acres 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) 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 and provide publication of the proposed abandonment as provided by law; 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 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, (1) easements relating to the existence, location, access, repair and maintenance of water and sewer lines, hydrants, valves and meters upon, over, across and under the above-described property and (2) 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 OF FOLLOWING PAGE)

ADOPTED by the DeKalb County Board of Commissioners, this _____ day
of _____, 2021.

Stephen R. Bradshaw
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this _____ day
of _____, 2021.

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:

APPROVED AS TO SUBSTANCE:

County Attorney
DeKalb County, Georgia

Stacy Grear
Director
Geographical Information Systems
DeKalb County, Georgia

EXHIBIT "A"

LEGAL DESCRIPTION

298 Ohm Avenue Right-of-Way Abandonment

All that tract or parcel in Land Lot 9 of the 128th District, Dekalb County and being more particularly described as follows:

Commencing at the mitered intersection of the northerly right-of way of Ohm Avenue (50' Right-of-Way) and the easterly right-of-way of Chestnut Street (Currently Unimproved); thence along the right-of-way of Chestnut Street, South 89 Degrees 51 Minutes 41 Seconds West a distance of 223.09 feet to a point, being the Point of Beginning; Thence continuing along Chestnut Street South 89 Degrees 51 Minutes 41 Seconds West a distance of 10.00 feet to a point; thence leaving said right-of-way North 00 degrees 14 Minutes 25 Second East a distance of 128.00 feet to a point; thence North 89 Degrees 51 Minutes 41 Seconds East a distance of 10.00 feet to a point; thence South 00 Degrees 14 Minutes 25 Seconds West a distance of 128 feet to a point, being the Point of Beginning.

Said tract or parcel containing 0.029 acres or 1,280 square feet.