

RESOLUTION

A RESOLUTION BY THE BOARD OF COMMISSIONERS OF DEKALB COUNTY, GEORGIA, TO CONSIDER THE ABANDONMENT OF A 0.14-ACRE (6,000 SF) PORTION OF A PUBLIC RIGHT-OF-WAY LOCATED IN LAND LOT 107 OF THE 18th DISTRICT OF DEKALB COUNTY, GEORGIA.

WHEREAS, the owner of the property adjoining a public right-of-way known as Palafox Drive has requested the abandonment of a section of the right-of-way, located in Land Lot 107 of the 18th District of DeKalb County consisting of approximately 0.14-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 _____, 2023.

Robert J. Patrick
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this _____ day
of _____, 2023.

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

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 107 of the 18th District, DeKalb County, Georgia, being property known as “Unnamed Street (APP) – 40’ R/W)” on that certain survey for Dieter Fiek by Survey Land Express, Inc., GRLS # 3197, dated November 4, 2022, which survey is incorporated herein and made a part hereof by reference, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, commence at the intersection of the southeast side of the right of way of Palafox Road (40 foot right of way) and the eastern side of the right of way of Arnold Avenue and run thence in a northeasterly direction, following the southern right of way of Palafox Drive, a distance of 522.50 feet to a ½ inch rebar found; run thence, continuing along the right of way of Palafox Drive, 60 feet to an iron pin set and the TRUE POINT OF BEGINNING; run thence North 25°42’56” East a distance of 40 feet to a 1 inch crimp top pipe; run thence South 64°10’17” East 150 feet to a ½ inch rebar found; run thence South 25°42’56” West a distance of 39.60 feet to a 1 inch crimp top pipe; run thence North 64°19’30” West a distance of 150 feet to an iron pin set and the TRUE POINT OF BEGINNING.