

**RESOLUTION**

**A RESOLUTION BY THE GOVERNING AUTHORITY OF DEKALB COUNTY, GEORGIA, CONSENTING TO THE DEANNEXATION OF PROPERTY LOCATED AT 4640 EAST PONCE DE LEON AVENUE (parcel ID 18 142 01 113).**

**WHEREAS**, O.C.G.A. § 36-36-22 specifically allows the governing bodies of the municipal corporations of this State to deannex an area or areas within the existing corporate limits thereof and said code section sets forth the process by which land is to be deannexed from municipal corporations of this State; and

**WHEREAS**, in accordance with O.C.G.A. § 36-36-22, the Housing Authority of the County of DeKalb, Georgia (the “Owner”), the owner of the subject land located at 4640 East Ponce de Leon Avenue (parcel ID 18 142 01 113)(referenced herein as “the Property”), submitted a written signed application containing a complete description of the land to be deannexed to the municipal corporation, City of Clarkston, Georgia, requesting that the Property be deannexed from the City of Clarkston;

**WHEREAS**, the governing body of the City of Clarkston, Georgia approved Ordinance No. 472 dated October 5, 2021, to deannex the Property from the City of Clarkston;

**WHEREAS**, the City of Clarkston has delivered a copy of such Ordinance to DeKalb County and, pursuant to O.C.G.A. §36-36-22, has requested that DeKalb County consider and consent to such deannexation, by resolution of the governing authority of DeKalb County, in which the Property is located; and

**WHEREAS**, the Property is the subject of pending litigation, *City of Tucker v. City of Clarkston, et al.*, Superior Court of DeKalb County, Civil Action No. 20CV8024, in which DeKalb County is a named defendant; and

**WHEREAS**, upon DeKalb County's consent to the annexation, it is anticipated that the Owner of the Property will petition for the Property to be annexed into the municipal limits of the City of Tucker by the 100% method; and

**WHEREAS**, the City of Tucker has maintained, prior to and in this litigation, that the Property is within the municipal limits of Tucker, though this contention has been disputed by other parties in the litigation; and

**WHEREAS**, DeKalb County does not intend for the Property to remain within the limits of unincorporated DeKalb County and will not object to a petition for annexation by the 100% method of the Property into the municipal limits of the City of Tucker; and

**WHEREAS**, this consent to deannexation and Tucker's resulting annexation of the Property, if it occurs, will simply ratify and confirm in writing that all relevant parties agree that the Property will be within Tucker's boundaries going forward, so that Tucker's boundary line for the Property is clearly and definitely stated; and

**WHEREAS**, the Governing Authority of DeKalb County finds that it is in the best interest of DeKalb County to consent to the City of Clarkston's deannexation of the Property; and

**WHEREAS**, it is the intent of the governing authority of DeKalb County to consent to the City of Clarkston's deannexation of the Property located at 4640 East Ponce de Leon Avenue (parcel ID 18 142 01 113), as fully described in Exhibit "A" from the corporate limits of the City of Clarkston, (See Exhibit "A," attached hereto, a copy of the legal description of 4640 East Ponce de Leon Avenue which is incorporated herein by reference);

**NOW THEREFORE, BE IT RESOLVED**, that DeKalb County, Georgia, hereby consents to the City of Clarkston's deannexation of the Property located at 4640 East Ponce de Leon Avenue (parcel ID 18 142 01 113), such that said Property will cease to constitute a part of the lands within the corporate limits of the City of Clarkston.

**ADOPTED** by the DeKalb County Board of Commissioners, this \_\_\_\_ day of \_\_\_\_\_, 2022.

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**Robert Patrick**  
Presiding Officer  
Board of Commissioners  
DeKalb County, Georgia

**APPROVED** by the Chief Executive Officer of DeKalb County, this \_\_\_\_ day of \_\_\_\_\_, 2022.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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**Viviane H. Ernstes**  
County Attorney  
Law Department  
DeKalb County, Georgia

## Exhibit A - Legal Description

### Tract B

All that tract or parcel of land lying and being in Land Lot 142 of the 18th District, Dekalb County, Georgia, and being more particularly described as follows:

COMMENCING at point on the northerly right-of-way of East Ponce de Leon Avenue (50' R/W at this point/25' to centerline) 643.6 feet westerly from the intersection of said right-of-way and the centerline of Idlewood Road; thence North 03°21'01" East, a distance of 23.79 feet to a 1/2 inch rebar set on the northerly right-of-way of East Ponce de Leon Avenue (50' to centerline); thence along said right-of-way North 82°37'03" West, a distance of 252.33 feet to a point; thence leaving said right-of-way North 00°23'50" West, a distance of 1199.13 feet to a point in the centerline of the South Fork of Peachtree Creek, being the POINT OF BEGINNING; thence along the centerline of said creek the following calls: North 45°57'27" West, a distance of 13.66 feet to a point; thence North 13°48'41" West, a distance of 34.24 feet to a point; thence North 42°07'49" West, a distance of 39.33 feet to a point; thence North 37°25'04" West, a distance of 51.72 feet to a point; thence North 00°27'33" West, a distance of 38.78 feet to a point; thence North 10°15'10" West, a distance of 22.10 feet to a point; thence North 62°09'52" West, a distance of 39.93 feet to a point; thence North 73°55'25" West, a distance of 27.04 feet to a point; thence North 52°39'45" West, a distance of 19.92 feet to a point; thence North 00°29'26" East, a distance of 26.64 feet to a point; thence North 40°21'58" West, a distance of 17.03 feet to a point; thence leaving said creek centerline South 89°25'38" East, a distance of 608.61 feet to a 5/8 inch rebar found; thence South 01°55'51" West, a distance of 424.99 feet to a point in the centerline of the South Fork of Peachtree Creek; thence along the centerline of said creek the following calls: thence South 70°53'48" West, a distance of 23.50 feet to a point; thence South 77°22'46" West, a distance of 35.31 feet to a point; thence North 46°34'56" West, a distance of 71.45 feet to a point; thence South 70°22'24" West, a distance of 14.97 feet to a point; thence South 58°14'38" West, a distance of 52.10 feet to a point; thence South 60°19'22" West, a distance of 36.10 feet to a point; thence North 74°59'20" West, a distance of 33.85 feet to a point; thence North 67°16'58" West, a distance of 49.44 feet to a point; thence North 49°30'00" West, a distance of 52.99 feet to a point; thence North 36°07'27" West, a distance of 68.89 feet to a point; thence North 29°34'32" West, a distance of 42.06 feet to a point; thence North 49°55'24" West, a distance of 49.83 feet to a point; thence North 45°57'27" West, a distance of 13.73 feet to a point, being the POINT OF BEGINNING.

Said tract contains 4.353 acres of land.