

## RESOLUTION

**A RESOLUTION BY THE BOARD OF COMMISSIONERS OF DEKALB COUNTY, GEORGIA, TO CONSIDER THE ABANDONMENT OF A 0.034-ACRE PORTION OF AN ALLEY LOCATED BETWEEN 3103 & 3109 KELLY STREET, A PUBLIC ALLEY LOCATED IN LAND LOT 47 OF THE 18<sup>th</sup> DISTRICT OF DEKALB COUNTY, GEORGIA.**

**WHEREAS**, the owner of the property adjoining a public alley has requested the abandonment of a section of the alley, located in Land Lot 47 of the 18th District of DeKalb County between 3103 & 3109 Kelly Street consisting of approximately 0.034-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 \_\_\_\_\_, 2020.

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

**APPROVED** by the Chief Executive Officer of DeKalb County, this \_\_\_\_\_ day  
of \_\_\_\_\_, 2020.

\_\_\_\_\_  
**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"**

**Kelly Street Alley – Legal Description  
(Alley to be abandoned)**

All that tract or parcel of land lying and being in Land Lot 47 of the 18th District, Dekalb County, Georgia, and being more particularly described as follows:

Beginning a #4 rebar found, being located 540.15 feet west of the intersection of the southern right of way of Kelly Street (50' R/W) with the western right of way of Third Avenue, as measured along the southern right of way of Kelly Street, Said #4 rebar found being the True Point of Beginning. Proceeding thence and leaving said right of way South 02 degrees 01 minutes 49 seconds West, a distance of 150.39 feet to a #4 rebar found; Proceeding thence North 86 degrees 51 minutes 26 seconds West, a distance of 9.98 feet to an iron pin set; Proceeding thence North 02 degrees 02 minutes 26 seconds East, a distance of 150.00 feet to a #4 rebar found at the southern right of way of Kelly Street; Proceeding thence along said right of way South 89 degrees 05 minutes 00 seconds East, a distance of 9.96 feet to a # 4 rebar found and the True Point of Beginning.

Tract or parcel being an abandoned alley, As shown on a survey for Elgin Pritchett by Dekalb Surveys, Inc. Last revised: February 22, 2019. Said tract or parcel containing 1,497 Square Feet or 0.034 Acres.