

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 PORTION OF THE PUBLIC RIGHT- OF-WAY LOCATED ON PALAFOX DRIVE IN LAND LOT 107 OF THE 18th DISTRICT OF DEKALB COUNTY, GEORGIA.

WHEREAS, the owner of the property adjoining a public right-of-way of Palafox Drive have requested the abandonment 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(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 September 13, 2022 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 _____, 2022.

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

APPROVED by the Chief Executive Officer of DeKalb County, this _____ day of ___, 2022.

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”

Legal Description

R.O.W. Area

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 Road (40’ R/W) on that certain survey for Atlanta ARC by Meridian Geomatics, LLC dated 03/31/2022, 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 southeast side of the right of way of Palafox Drive (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 southeastern right of way of Palafox Drive, a distance of 522.50 feet to a 1 inch crimp top pipe; run thence North 37°46’45” East a distance of 60.00 feet to an iron pin set and the TRUE POINT OF BEGINNING; run thence, continuing along said right of way, North 37°46’45” East a distance of 40.12 feet to an iron pin found; run thence, leaving said right of way, South 52°20’54” East a distance of 149.70 feet to and iron pin set; run thence South 37°48’25” West a distance of 40.00 feet to an iron pin set; run thence North 52°20’54” West a distance of 150.00 feet to an iron pin set and the TRUE POINT OF BEGINNING.