

RESOLUTION

A RESOLUTION BY THE BOARD OF COMMISSIONERS OF DEKALB COUNTY, GEORGIA, TO CONSIDER THE ABANDONMENT OF A PORTION OF A 354 SF (0.0084-ACRES) SECTION OF PUBLIC RIGHT-OF-WAY KNOWN AS CHESTNUT STREET AND A 127 SF (0.0029-ACRES) SECTION OF ALLEYWAY, LOCATED 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 Chestnut Street and Third Avenue has requested the abandonment of public right-of-way, located in Land Lot 9 of the 18th District of DeKalb County, consisting of approximately 354 SF of right-of-way known as Chestnut Street and 127 SF of alleyway 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 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 _____, 2024.

Mereda Davis-Johnson
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this _____ day
of _____, 2024.

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

PORTION OF RIGHT OF WAY CHESTNUT STREET

All that tract or parcel of land lying and being in Land Lot 9, 18th District, DeKalb County, Georgia and being more particularly described as follows:

Beginning at a 1/2 inch rebar found at the mitered intersection of the southerly former 50' right of way of Chestnut Street and the westerly right of way of Third Avenue (50' right of way), said 1/2 inch rebar found being the POINT OF BEGINNING; thence leaving said miter North 89 degrees 43 minutes 21 seconds West a distance of 113.01 feet to a 1/2 inch rebar found; thence along 1/2 of a 10' alley North 89 degrees 43 minutes 21 seconds West a distance of 5.00 feet to an iron pin set; thence North 00 degrees 16 minutes 38 seconds East a distance of 3.00 feet to an iron pin set along the new right of way of Chestnut Street (45' right of way at this point); thence along said right of way South 89 degrees 43 minutes 21 seconds East a distance of 118.01 feet to an iron pin set; thence South 00 degrees 16 minutes 39 seconds West a distance of 3.00 feet to a 1/2 inch rebar found at the northerly mitered intersection of Chestnut Street and Third Avenue.

Said tract containing 354 square feet of 0.0084 acres.

PORTION OF 10 FOOT ALLEY

All that tract or parcel of land lying and being in Land Lot 9, 18th District, DeKalb County, Georgia and being more particularly described as follows:

Commencing at a 1/2 inch rebar found at the northern mitered corner of the intersection of the former southerly 50' right of way of Chestnut Street and the westerly right of way of Third Avenue (50' right of way); thence leaving said northern mitered corner, along said former southerly right of way, North 89 degrees 43 minutes 21 seconds West a distance of 113.01 feet to a 1/2 inch rebar found and POINT OF BEGINNING; thence along the easterly line of a 10 foot alley, South 00 degrees 32 minutes 19 seconds West, a distance of 25.33 feet to an iron pin set; thence leaving said easterly line, North 89 degrees 27 minutes 41 seconds West, a distance of 5.00 feet to an iron pin set on the centerline of said 10 foot alley; thence along said centerline, North 00 degrees 32 minutes 19 seconds East, a distance of 25.31 feet to an iron pin set; thence along said former southerly right of way, South 89 degrees 43 minutes 21 seconds East, a distance of 5.00 feet to the POINT OF BEGINNING.

Said tract containing 127 square feet or 0.0029 acres, more or less.