

RESOLUTION

A RESOLUTION BY THE BOARD OF COMMISSIONERS OF DEKALB COUNTY, GEORGIA, TO CONSIDER THE ABANDONMENT OF A PORTION OF PATTERSON AVENUE A PUBLIC RIGHT-OF-WAY LOCATED IN LAND LOT 9 OF THE 18th DISTRICT OF DEKALB COUNTY, GEORGIA.

WHEREAS, the owners of the property adjoining a public right-of-way of Patterson Avenue have requested abandonment of a section of the right-of-way, located in Land Lot 9 of the 18th District of DeKalb County consisting of approximately 0.336 acre 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) The unused right-of-way segment identified in Exhibit "A" is no longer needed for public road purposes; 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 any and all existing water and sewer easements upon, over, across and under the above-described property and 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 _____, 2018.

Jeff Rader
Presiding Officer
Board of Commissioners
DeKalb County, Georgia


APPROVED by the Chief Executive Officer of DeKalb County, this _____ day
of _____, 2018.

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:



Nicole W. Aigner
Senior Assistant County Attorney
DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:



Stacy Gear
Director
Geographical Information Systems
DeKalb County, Georgia

EXHIBIT "A"

Patterson Avenue

(Right of way to be Abandoned)

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

BEGINNING at a point on the westerly right of way of Patterson Avenue (50 foot right of way), said point being 23.03 feet northerly from the intersection of the northerly right of way of East Ponce de Leon Avenue (right of way varies) and the westerly right of way of Patterson Avenue; thence continue along said right of way of Patterson Avenue the following courses and distances: N 01°13'26" W a distance of 72.45 feet to a 2 inch open top pipe found; thence N 00°29'06" W a distance of 229.65 feet to a point at the intersection of the westerly right of way of Patterson Avenue and the southerly right of way of Paloma Drive (50 foot right of way); thence along said right of way of Paloma Drive S 89°51'50" E a distance of 50.00 feet to a point; thence leaving said right of way, along the easterly right of way of Patterson Avenue S 00°29'06" E a distance of 283.54 feet to a point on the northerly right of way of East Ponce de Leon Avenue; thence along said right of way along a curve to the right, following the curvature thereof for an arc distance of 52.29 feet; said curve having a radius of 410.88 feet and being subtended by a chord of S 69°21'32" W 52.26 feet to the **POINT OF BEGINNING**. Said tract contains 14,642 square feet or 0.336 acre.