

RESOLUTION

A RESOLUTION BY THE GOVERNING AUTHORITY OF DEKALB COUNTY, GEORGIA, DECLARING THE PROPERTY LOCATED AT 338 PONCE DE LEON PLACE, DECATUR, GEORGIA AS SURPLUS AND AUTHORIZING SALE TO THE HIGHEST BIDDER.

WHEREAS, the Governing Authority of DeKalb County, Georgia has control over all property owned and used by the County and may, by order entered on its minutes, direct the disposal of any such property on behalf of the County; and

WHEREAS, in accordance with O.C.G.A. § 36-9-3, the governing authority of any county disposing of real property generally makes such sales to the highest responsible bidder, either by sealed bids or by auction after due notice has been given; and

WHEREAS, DeKalb County owns the real property located at 338 Ponce de Leon Place, Decatur, Georgia, as more fully described on Exhibit “A,” hereinafter referred to as “the Property,” and

WHEREAS, the Governing Authority of DeKalb County has determined that it is in the best interest of the public to declare the Property surplus and sell it to the highest responsible bidder;

NOW, THEREFORE, BE IT RESOLVED, by DeKalb County’s Governing Authority as follows:

1. The County shall dispose of the Property as provided in O.C.G.A. § 36-9-3, and shall advertise the Property for sale to the highest bidder;
2. Nothing herein shall be construed to deprive any person or other legal entity of any private rights to the Property which have been acquired according to any recorded plat or to affect any existing easements upon, over, across and under the Property for stormwater, water, sewer, utilities or other purposes, held by DeKalb County, or other persons or legal entities. Provided further that the County hereby reserves for itself, its successors and assigns an easement upon, over, across and under the Property for the pipes, 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 other properties devoted to a public use;
3. DeKalb County reserves the right to reject any and all bids submitted for purchase of the Property; and

4. The Chief Executive Officer is authorized to execute all necessary documents.

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
County Clerk
Board of Commissioners and
Chief Executive Officer
DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:

STACY GREAR
Director
Geographical Information System Department
DeKalb County, Georgia

Exhibit "A"

338 Ponce de Leon Place Legal Description

all that tract and
parcel of land lying and being in the Town of Decatur, in Land Lot two hundred forty-five (245) of the fifteenth (15th) District of originally Henry now DeKalb County, Georgia, being Lot number forty-three (43) in Ponce de Leon Terrace subdivision as per plat made by R. B. Railey, Civil Engineer, April 1913, of file in the office of the Clerk of the Superior Court of DeKalb County, Georgia, in Plat Book 4, Page 58, more particularly described as follows:

Beginning on the West side of Ponce de Leon Place at a point three hundred fifty (350) feet North of the Northwest corner of Ponce de Leon Place and Montgomery Street, and running thence North along the West side of Ponce de Leon Place fifty (50) feet to Oakland Street; thence West along the South side of Oakland Street two hundred (200) feet to a ten (10) foot alley; thence South along the East side of said alley fifty (50) feet; thence East two hundred (200) feet to point of beginning.