

September 17, 2020

**RESOLUTION AMENDING THE NOVEMBER 17, 2009 RESOLUTION
REQUIRING THE SALE OF THE SURPLUS PROPERTY LOCALLY KNOWN AS
4316 CHURCH STREET BY SEALED BIDS TO ALLOW THE COUNTY TO SELL
THE PROPERTY TO THE CITY OF TUCKER**

WHEREAS, DeKalb County 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, DeKalb County owns certain real property consisting of an approximate 1.1 acre tract of land at 4316 Church Street, Tucker, Georgia as more fully described on Exhibit "A" attached hereto ("Property"); and

WHEREAS, on November 17, 2009, DeKalb County declared the Property as surplus, and authorized the sale of said Property to the highest responsible bidder, either by sealed bids or auction after due notice has been given; and

WHEREAS, no sale of the Property has yet occurred nor has any auction been conducted; and

WHEREAS, O.C.G.A. § 36-9-3(a)(3)(A) provides a specific exemption to the requirement that counties may only sell its real property to the highest responsible bidder, either by sealed bids or by auction after due notice has been given, and allows counties to sell, transfer or convey real property to another body politic; and

WHEREAS, the City of Tucker has offered to purchase the Property, and the County is willing to sell the Property at its current market value (as determined by a current appraisal); and

WHEREAS, the governing authority of DeKalb County has determined that it is in the best interest of the public to sell the Property to the City of Tucker at its current market value pursuant to O.C.G.A. § 36-9-3(a)(3)(A); and

NOW, THEREFORE, BE IT RESOLVED, pursuant to O.C.G.A. § 36-9-3(a)(3)(A), the County has the authority to sell said Property to the City of Tucker at the current market value of the Property.

BE IT FURTHER RESOLVED, provided that nothing herein shall be construed to deprive any person or other legal entity of any private rights which might have been acquired pursuant to purchase according to any recorded plat or to affect any existing easements, or utilities or other purpose, held by a legal entity other than DeKalb County, Georgia. Provided further 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 water 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.

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BE IT FURTHER RESOLVED, that the net proceeds from the sale of the Property be transferred to the County, to be directed to 2006 library bond projects.

BE IT FURTHER RESOLVED, that this Resolution shall become effective when passed and adopted, and that all prior resolutions or parts therewith in conflict with this Resolution are hereby repealed.

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:

APPROVED AS TO FORM

BARBARA SANDER-NORWOOD, CCC
Clerk to the Board of Commissioners and
Chief Executive Officer
DeKalb County, Georgia

VIVIANE H. ERNSTES
County Attorney
DeKalb County, Georgia

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 225 of the 18th District, Dekalb County, Georgia, being more particularly described as follows:

Beginning at an iron pin on the northerly side of a dirt street, known as Church Street, formerly known as Club Drive, which runs parallel to and just south of LaVista Road, in Tucker, Georgia, and for the purpose of this description, Church Street is deemed to have a 50 foot right of way. Said Point of Beginning being 375 feet easterly from the northeast corner of Fourth Street and said Church Street, based on Fourth Street having a 60 foot right of way, (said beginning point being 380.1 feet easterly from the northeast corner of Fourth Street and said Church Street, based on Fourth Street having a 50 foot right of way); thence northerly along the line of property belonging to the Tucker Methodist Church a distance of 177 feet to an iron pin; thence easterly, forming an interior angle of 96 degrees 35 minutes with the preceding course a distance of 75 feet to an iron pin; thence continuing easterly, forming an interior angle of 174 degrees 54 minutes with the preceding course a distance of 75 feet to an iron pin; thence continuing easterly, forming an interior angle of 178 degrees 21 minutes with the preceding course a distance of 125 feet to an iron pin; thence southerly, forming an interior angle of 89 degrees 50 minutes with the preceding course a distance of 201 feet to an iron pin on the northerly side of said Church Street; thence westerly along the northerly side of said Church Street a distance of 274.1 feet to the iron pin at the Point of Beginning.