

RESOLUTION

A RESOLUTION BY THE BOARD OF COMMISSIONERS OF DEKALB COUNTY, GEORGIA, TO CONSIDER THE ABANDONMENT OF A PORTION OF OHM AVENUE, A PUBLIC RIGHT-OF-WAY LOCATED IN LAND LOT 47 OF THE 18th DISTRICT OF DEKALB COUNTY, GEORGIA.

WHEREAS, the owner of the property adjoining a public right-of-way of Ohm Avenue has requested abandonment of a section of the right-of-way, located in Land Lot 47 of the 18th District of DeKalb County consisting of approximately 0.175 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) 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 _____, 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
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”

Ohm Avenue – Legal Description (Right of Way to be abandoned)

All that tract or parcel of land lying and being in Land Lot 47 of the 18th District, Dekalb County, Georgia, and being more particularly described as follows:

Beginning an iron pin set, being located 369.95 feet west of the intersection of the southern right of way of Kelly Street (50' R/W) with the western right of way of Third Avenue, as measured along the southern right of way of Kelly Street, Said #4 rebar found being the True Point of Beginning.

Proceeding thence and leaving said right of way South 01 degrees 57 minutes 34 seconds West, a distance of 151.36 feet to an iron pin set; Proceeding thence South 89 degrees 41 minutes 36 seconds West, a distance of 10.29 feet to a #4 rebar found; Proceeding thence South 86 degrees 44 minutes 30 seconds West, a distance of 29.84 feet to a #4 rebar found; Proceeding thence North 88 degrees 49 minutes 14 seconds West, a distance of 10.00 feet to an iron pin set; Proceeding thence North 01 degrees 57 minutes 47 seconds West, a distance of 153.43 feet to an iron pin set at the southern right of way of Kelly Street; Proceeding thence along said right of way North 89 degrees 20 minutes 19 seconds East, a distance of 10.00 feet to a #4 rebar found; Continuing thence along said right of way South 89 degrees 04 minutes 34 seconds East, a distance of 40.00 feet to an iron pin set and the True Point of Beginning.

Tract or parcel being an abandoned 50 foot right of way of OHM Avenue, As shown on a survey for Elgin Pritchett by Dekalb Surveys, Inc. Last revised: February 22, 2019. Said tract or parcel containing 7,629 Square Feet or 0.175 Acres.