

RESOLUTION

A RESOLUTION BY THE GOVERNING AUTHORITY OF DEKALB COUNTY, GEORGIA, TO SET A DATE AND TIME FOR A PUBLIC HEARING RELATED TO THE POTENTIAL ABANDONMENT OF A PORTION OF THE PUBLIC RIGHT- OF-WAY LOCATED ON MOUNTAIN VIEW WAY IN LAND LOT 016 OF THE 15th DISTRICT OF DEKALB COUNTY,GEORGIA.

WHEREAS, the owner of the property adjoining a public right-of-way of Palafox Drive have requested the abandonment of the right-of-way, located in Land Lot 016 of the 15th District of DeKalb County consisting of approximately 4,681.24 SF 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(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 subject property, relieving the public from the charge of maintaining the subject property, and returning the subject property to the tax rolls of DeKalb County; and

WHEREAS, O.C.G.A. § 32-7-2(b)(1) requires that notice of the proposed abandonment of the subject property be given to all property owners located thereon and that notice of the proposed abandonment be published in the newspaper in which the sheriff's advertisements for the county are published once a week for a period of two weeks; and

WHEREAS, O.C.G.A. § 32-7-2(b)(1) requires that a public hearing be held on the proposed abandonment before the county may declare the section of the road system abandoned.

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 of the subject property and provide publication of the proposed abandonment as provided by law; and

2) The Board of Commissioners shall hold a public hearing at its regular Board meeting on October 25, 2022 at 10:00 a.m. regarding abandonment of the subject property, after which it will consider declaring the subject property abandoned by certification recorded in its minutes and accompanied by a plat, sketch and legal description of the subject property.

ADOPTED by the DeKalb County Board of Commissioners, this _____ day of _____, 2022.

Robert J. Patrick
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this _____ day of ____, 2022.

Michael L. Thurmond
Chief Executive Officer
DeKalb County, Georgia

ATTEST:

Barbara H. Sanders-Norwood, CCC
Clerk to the Board of Commissioners and
Chief Executive Officer
DeKalb County, Georgia

APPROVED AS TO FORM:

County Attorney
DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:

Stacy Grear
Director
Geographical Information Systems
DeKalb County, Georgia

EXHIBIT "A"

Legal Description

R.O.W. Area

SAID RIGHT OF WAY BEING 4,681.24 SQUARE FEET, MORE OR LESS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A IRON PIN SET 4.5' NORTH WEST OF A 1" OPEN TOP PIPE FOUND ON THE NORTHEASTERN RIGHT OF WAY MOUNTAIN VIEW WAY, A 24' RIGHT OF WAY THENCE RUNNING SOUTH 18 DEGREES 35 MINUTES 03 SECONDS EAST FOR A DISTANCE OF 24.59 FEET TO POINT LOCATED ON THE SOUTHERN RIGHT OF WAY OF MOUNTAIN VIEW WAY, THENCE RUNNING ALONG A CURVE TO THE RIGHT WITH AN ARC LENGTH OF 121.47 FEET, A RADIUS OF 625.40 FEET, SUBTENDED BY A CHORD BEARING OF SOUTH 89 DEGREES 19 MINUTES 51 SECONDS WEST FOR A CHORD DISTANCE OF 121.28 FEET TO A IPF, THENCE RUNNING SOUTH 88 DEGREES 28 MINUTES 27 SECONDS WEST FOR A DISTANCE OF 80.85 FEET TO A POINT, THENCE RUNNING NORTH 09 DEGREES 02 MINUTES 04 SECONDS WEST FOR A DISTANCE OF 21.19 FEET TO A POINT LOCATED ON THE NORTHWESTERN RIGHT OF WAY OF MOUNTAIN VIEW WAY, THENCE RUNNING NORTH 86 DEGREES 25 MINUTES 26 SECONDS EAST FOR A DISTANCE OF 84.70 FEET TO A CALCULATED POINT, THENCE RUNNING ALONG A CURVE THE LEFT WITH AN ARC LENGTH OF 113.22 FEET, A RADIUS OF 601.56 FEET, SUBTENDED BY A CHORD BEARING OF NORTH 89 DEGREES 39 MINUTES 36 SECONDS EAST FOR A CHORD A DISTANCE OF 113.05 FEET TO A IRON PIN SET, KNOWN AS THE POINT OF BEGINNING.