



# DeKalb County Government

Manuel J. Maloof Center  
1300 Commerce Drive  
Decatur, Georgia 30030

## Agenda Item

File ID: 2022-2076

Walk-On Item

9/6/2022

Public Hearing: YES  NO

Department: GIS Department

### **SUBJECT:**

Commission District(s): 3 & 6

A Resolution to Set a Date and Time for a Public Hearing Related to Consideration of Abandonment of a 4,681.24 Square Feet Section of Right of Way at 1069 Mountain View Way Conley, GA 30288.

Information Contact: Stacy Gear, GIS Director

Phone Number: 404-371-2257

### **PURPOSE:**

To consider adopting a resolution to set a date and time for a public hearing related to potential abandonment of a 4,681.24 SF section of Right of Way at 1069 Mountain View Way that has ceased to be used by the public to the extent that no substantial public purpose is served by said right of way.

### **NEED/IMPACT:**

State law requires that a public hearing be held on a potential abandonment of alley.

The adjoining property owner has requested that 4,681.24 SF section of Right of Way at 1069 Mountain View Way be abandoned. The subject property is valued at \$11,700.00 by the Property Appraisal Department. Sale of the property would return it to the tax roll. The subject property is no longer needed for right of way purposes by DeKalb County; no substantial public purpose is served by its continued existence.

The County Attorney's Office has reviewed the attached resolution and has approved it as-to-form.

### **FISCAL IMPACT:**

Property will return onto the tax roll.

### **RECOMMENDATION:**

Adopt the attached resolution setting a date and time for a public hearing related to potential abandonment of a section of right of way and authorize the Chief Executive Officer to execute all necessary documents.

## 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 15<sup>th</sup> DISTRICT OF DEKALB COUNTY,GEORGIA.**

**WHEREAS**, the owner of the property adjoining a public right-of-way of Mountain View Way 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:**

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**County Attorney**  
DeKalb County, Georgia

**APPROVED AS TO SUBSTANCE:**

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**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.

August 5, 2022

Atlanta ISP Parking Portfolio One Propco, LLC  
820 A1A North  
Suite E21  
Ponte Vedra Beach, Florida 32082

RE: Acquisition / Abandonment of Public Right of Way | Written Request

This letter is to serve as a written request to purchase a portion of the public right of way known as Mountain View Way as shown on Exhibit A. Petitioner's proposed use for the acquired right of way as well as the adjacent property is a development of a trailer, container or heavy equipment storage facility. Petitioner owns the following properties in DeKalb County, none of which have any code violations.

<u>Owner</u>	<u>Parcel Number</u>
Atlanta ISP Parking Portfolio One Propco, LLC	15-016-01-010
Atlanta ISP Parking Portfolio One Propco, LLC	15-016-01-018
Atlanta ISP Parking Portfolio One Propco, LLC	16-169-01-026

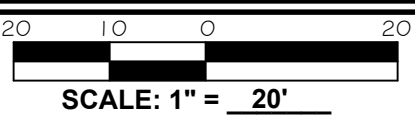
Atlanta ISP Parking Portfolio One Propco, LLC

By:



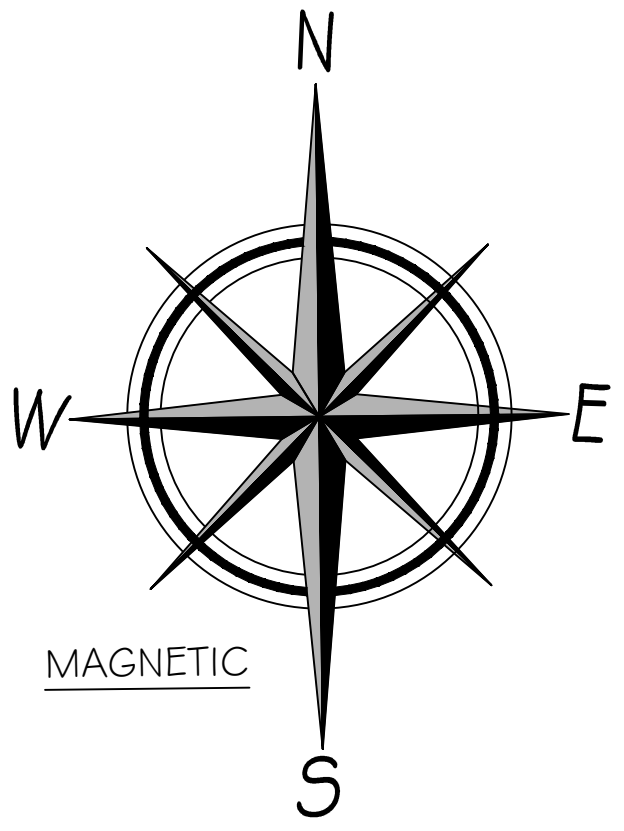
\_\_\_\_\_  
David Burch, President

EXHIBIT A



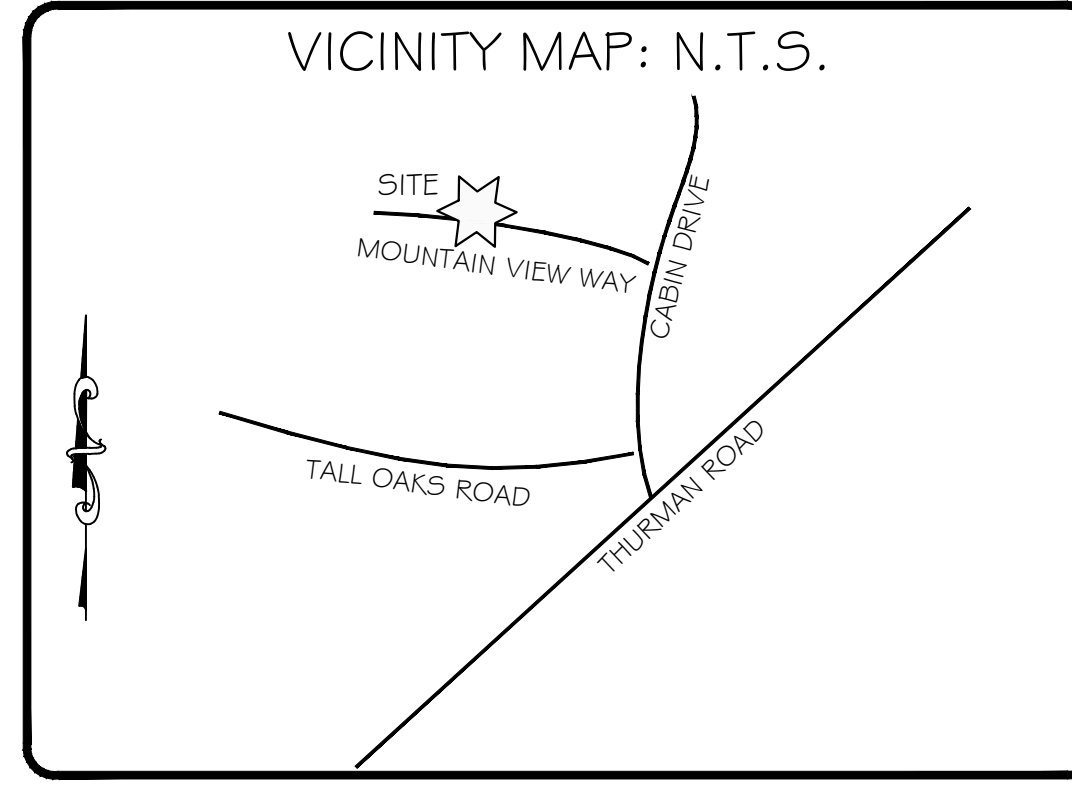
**AREA CHART**  
 MOUNTAIN VIEW WAY RW AREA TO BE ABANDONED -  
 4,681.24 Sq. Ft. / 0.11 Ac.

RESERVED FOR COUNTY USE



**LEGEND**

- RBF = REBAR FOUND
- RBS = REBAR SET
- R/W = RIGHT OF WAY
- CP = CALCULATED POINT
- (M) = MEASURED
- (D) = DEEDED
- OTPF = OPEN TOP PIPE FOUND
- WM = WATER METER
- HBT = HOOD BACK TRAP
- DI = DRAIN INLET
- UP = UTILITY POLE
- P.O.B. = POINT OF BEGINNING
- SSMH = SANITARY SEWER MANHOLE
- STMH = STORM SEWER MANHOLE
- EOP = EDGE OF PAVEMENT
- BOC = BACK OF CURB
- CMF = CONCRETE MONUMENT FOUND
- GV = GAS VALVE
- ☆ = LIGHT POLE
- CONC. = CONCRETE
- SAN = SANITARY SEWER PIPE
- MBL = MINIMUM BUILDING LINE
- ⊙ = SANITARY SEWER MANHOLE
- NTS = NOT TO SCALE



**SURVEY DATA:**  
 INSTRUMENT USED: LEICA TS 12 ROBOTICS  
 ANGULAR ERROR: 5" PER POINT  
 TRAVERSE CLOSURE: 1/10,000±  
 PLAT CLOSURE: 1/44,566'  
 ADJUSTMENT BY NO RULE  
 DATUM: WEST GEORGIA COORDINATES

**FLOOD NOTE:**  
 ACCORDING TO THE FEMA FLOOD MAP  
 13089C0138J DATED 05/16/2013,  
 THIS PROPERTY IS NOT LOCATED  
 IN A 100 YEAR FLOOD ZONE

**REFERENCES:**  
 1. SHOWN ON SURVEY

**GENERAL NOTES**

1. THIS PROPERTY MAY BE SUBJECT TO RESTRICTIONS AND OTHER EASEMENTS NOT SHOWN HEREON BUT MAY BE RECORDED IN THE CLERK OF COURTS OFFICE.

AS REQUIRED BY SUBSECTION (c) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.



*John P. Malone*  
 Surveyor's Signature 08/04/2022  
 Registered Surveyor: John P. Malone  
 Registration Number: LS 2826  
 In the State of: Georgia

RIGHT OF WAY ABANDONMENT FOR:

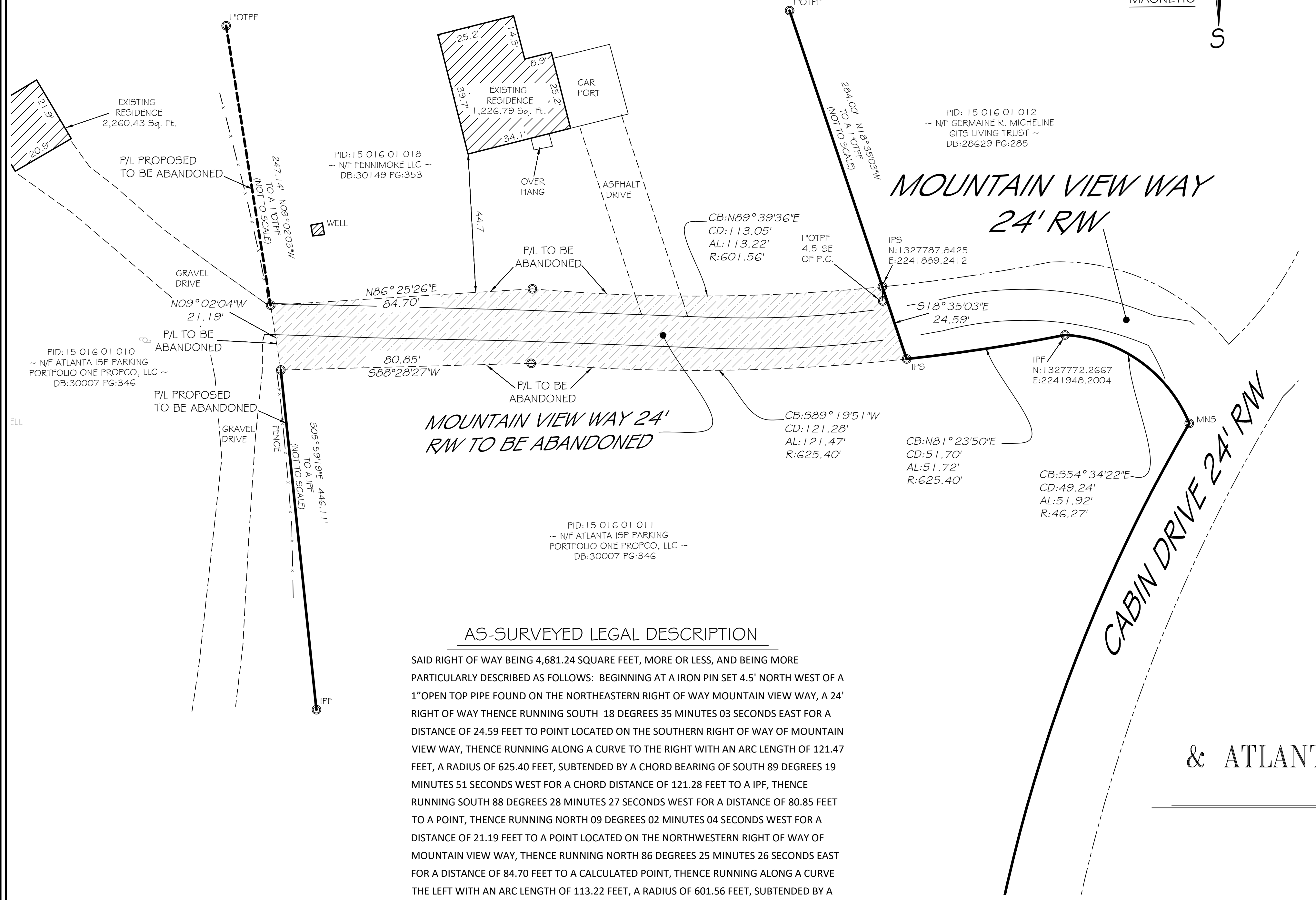
**INLIGHT REAL ESTATE PARTNERS, LLC  
 & ATLANTA ISP PARKING PORTFOLIO ONE PROPCO, LLC  
 & CABIN DRIVE TRAILER STORAGE**

SUBJECT SITE LOCATED AT MOUNTAIN VIEW WAY, SOUTH WEST OF CABIN DRIVE  
 TAX PARCELS: 15 016 01 018, 15 016 01 011 & 15 016 01 010  
 LAND LOT 16 OF THE 15th DISTRICT OF DEKALB COUNTY, GEORGIA  
 FIELD DATE: 12/07/2021 - PLAT/MAP DATE: 08/04/2022  
 FIELD: KH # ST - CHECKED BY: JPM - DRAWN BY: HAS

**S&A**  
 LAND SURVEYING  
 Stencel & Associates, LLC  
 229 Greenway Street - Thomson, Georgia 30824  
 C.O.A. - LSF#001350  
 Email: stencelandassociates@gmail.com  
 www.snalandsurveying.com Phone: 706.690.5023

**AS-SURVEYED LEGAL DESCRIPTION**

SAID RIGHT OF WAY BEING 4,681.24 SQUARE FEET, MORE OR LESS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN 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 AN IRON PIN SET, KNOWN AS THE POINT OF BEGINNING.



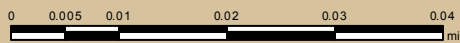


Description for "MOUNTAIN VIEW WAY R/W TO BE ABANDONED"

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.



## Mountain View Way



Date Printed: 8/12/2022



### DeKalb County GIS Disclaimer

The maps and data, contained on DeKalb County's Geographic Information System (GIS) are subject to constant change. While DeKalb County strives to provide accurate and up-to-date information, the information is provided "as is" without warranty, representation or guarantee of any kind as to the content, sequence, accuracy, timeliness or completeness of any of the database information provided herein. DeKalb County explicitly disclaims all representations and warranties, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose. In no event shall DeKalb County be liable for any special, indirect, or consequential damages whatsoever resulting from loss of use, data, or profits, whether in an action of contract, negligence, or other actions, arising out of or in connection with the use of the maps and/or data herein provided. The maps and data are for illustration purposes only and should not be relied upon for any reason. The maps and data are not suitable for site-specific decision-making nor should it be construed or used as a legal description. The areas depicted by maps and data are approximate, and are not necessarily accurate to surveying or engineering standards.

# DeKalb County Property Appraisal

## Land Worksheet

8/16/2022

Appraiser: **Wen**

### SALES COMPARABLES:

Parcel ID	Subject	Comparable 1	Comparable 2	Comparable 3	Comparable 4
Neighborhood	Conley	Forest Park	Atlanta	Atlanta	Hapeville
Sale Date		11/17/20	02/05/21	10/23/21	06/12/18
Sale Price		\$55,000	\$50,000	\$83,000	\$80,000
Adjustment		25% (FRONTAGE)	20% (Corner Lot)	20% (Corner Lot)	20% (Corner Lot)
Adjustment Value		\$41,250	\$37,500	\$64,400	\$64,000
Adjustment \$PSF		\$2	\$2	\$3	\$5
Price / Sq Ft		\$3	\$3	\$4	\$7
Address / Name	<i>Mountain View Way</i>	<i>4552 Jonesboro Road</i>	<i>1123 Dobbs Drive</i>	<i>DaleView Drive</i>	<i>0 College Street</i>
Zoning	unknown	unknown	R75	R-4	CR
Effective Rate					
Influence Factor					
Acres	0.11	0.45	0.40	0.50	0.27
Land Sq Ft	4,681	19,602	17,424	21,780	11,761
Appraised Value					
Value / Sq Ft					
NOTES		<i>1.7 miles from subject</i>	<i>4.3 miles from subject</i>	<i>6.6 mile from subject</i>	<i>4.8 miles from subject</i>

Using Median of \$2.5 PSF. Recommend \$11,700