

**A RESOLUTION BY
THE GOVERNING AUTHORITY OF DEKALB COUNTY, GEORGIA,
DECLARING THE PROPERTY LOCATED AT 4184 DEACON LANE,
CHAMBLEE, GEORGIA AS SURPLUS AND AUTHORIZING SALE TO AN
ABUTTING PROPERTY OWNER**

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, O.C.G.A. § 36-9-3(h) provides that a county governing authority is authorized to sell and convey parcels of small or narrow strips of land, so shaped or so small as to be incapable of being used independently as zoned or under applicable subdivision or other development ordinances or land use plans, or as streets, whether owned in fee or used by easement, to abutting property owners where such sales and conveyances facilitate the enjoyment of the highest and best use of the abutting owner's property without first submitting the sale or conveyance to the process of an auction or the solicitation of sealed bids; and

WHEREAS, O.C.G.A. § 36-9-3(h) further provides that each that each abutting property owner shall be notified of the availability of the property and shall have the opportunity to purchase said property under such terms and conditions as set out by ordinance; and

WHEREAS, the Code of DeKalb County, as revised 1988 (“DeKalb County Code”) provides for the disposition of county owned strips of land incapable of being used independently and DeKalb County Code Sec. 2-181 provides for the sale of such property to abutting landowners as long as the sale complies with the following requirements:

- (1) The planning director shall make a written determination that the real property to be conveyed is so small, narrow or shaped that it is incapable of being used independently given its zoning or provisions of applicable subdivision or other development ordinances or land use plans; and
- (2) The real property shall be surveyed by the county, and the county shall perform an appraisal to determine the fair market value of the property; and
- (3) The sale or conveyance complies with all applicable requirements of Georgia law including any requirements set forth in O.C.G.A. § 36-9-3, and as hereinafter may be amended; and
- (4) The planning director's written determination, the county's survey and appraisal shall be presented to the governing authority in an appropriate manner as authorized by state law, for a determination whether to authorize staff to proceed

to sell the property to the abutting property owners and to impose such conditions on the sale as desired by the governing authority; and

(5) If so authorized by the governing authority, each abutting property owner shall be notified in writing by the purchasing director of the availability of the property and shall have the opportunity to purchase said property under the terms and conditions imposed by the governing authority; and

(6) In the event the sale is authorized, the purchaser or purchasers shall pay no less than fair market value for the property and the fair market value shall be solely determined by the appraisal performed by the county; and

(7) In the event a sale occurs, the purchaser or purchasers shall reimburse the county for all due diligence costs incurred by the county in conducting such a sale of property, including but not limited to the county's attorney's fees, closing costs, survey costs and appraisal costs.

WHEREAS, DeKalb County owns the real property located at **4184 Deacon Lane, Chamblee, Georgia** and has complied with the requirements of DeKalb County Code Sec. 2-181 related to selling this property to an abutting property owner and the following are attached to this Resolution: (1) The Planning Director's written determination related to **4184 Deacon Lane** as Exhibit A, (2) The parcel map and legal description of **4184 Deacon Lane** as Exhibit B and (3) The appraisal performed to determine the fair market value of **4184 Deacon Lane** as Exhibit C.

WHEREAS, the Governing Authority of DeKalb County has determined that it is in the best interest of the public to declare the real property located at **4184 Deacon Lane, Chamblee, Georgia** as surplus and sell it to an abutting property owner pursuant to O.C.G.A. § 36-9-3(h) and DeKalb County Code Sec. 2-181.

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(h) and DeKalb County Code Sec. 2-181, and the purchasing director shall notify each abutting property owner in writing of the availability of the property and each abutting property owner shall have the opportunity to purchase said property.
2. In the event the sale is authorized, the purchaser or purchasers shall pay no less than fair market value for the property and the fair market value shall be solely determined by the appraisal performed by the county.
3. In the event a sale occurs, the purchaser or purchasers shall reimburse the county for all due diligence costs incurred by the county in conducting such a sale of property, including but not limited to the county's attorney's fees, closing costs, survey costs and appraisal costs.

4. 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.
5. 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;
6. The Chief Executive Officer is authorized to execute all necessary documents.

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

STEVE R. BRADSHAW
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
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

APPROVED AS TO FORM:

VIVIANE H. ERNSTES

County Attorney

Law Department

DeKalb County, Georgia

Exhibit “A”

MEMORANDUM

TO: Stacey Grear

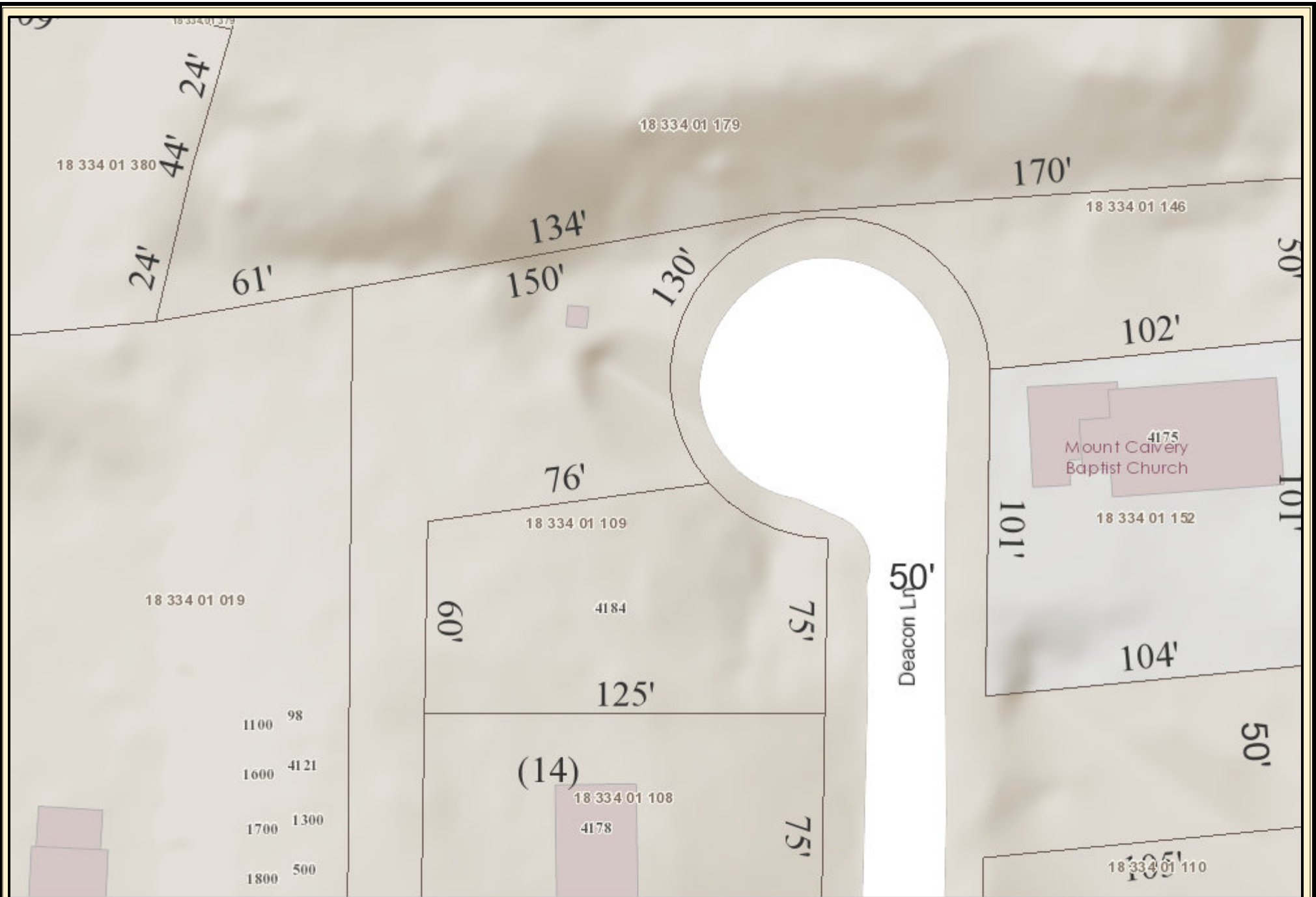
FROM: Andrew Baker, AICP

DATE: December 9, 2021

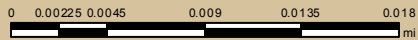
SUBJECT: Abandonment of Property Request – Planning Analysis
4184 Deacon Lane

The subject property, parcel 18-334-01-109 / 4184 Deacon Lane, is zoned PUD for Planned Unit Development district use in the City of Chamblee. The small size of the property makes it unlikely to be developed as currently zoned unless it is consistent with the intent of the overall district. The combination of the subject parcel with adjacent lots is the best use of the parcel and is consistent with O.C.G.A. § 36-9-3(h) Sec. 2-181. - Disposition of county owned strips of land incapable of being used independently. The proposed use for egress is appropriate provided all development regulations are met during the land development permit stage.

Exhibit “B”



4184 Deacon Lane Parcel Map



Date Printed: 1/6/2022



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.

4184 Deacon Lane Legal Description

18334 01109 All that tract or parcel of land lying in and being in Land Lot 334, of the 18th District of DeKalb County, Georgia, and being improved property known as Map Reference 18-334-01-109, as shown in the records of the Office of Tax Commissioner and the Board of Tax Assessors of said County, and presently known as 0000 Deacon Lane, and being more particularly described as follows:

The point of beginning is on the West side of Deacon Lane, being Northwesterly, Westerly and Northwesterly and Northerly 1,385 feet, as measured along the Southwest side of Deacon Lane, from its intersection with the Northwest side of Parson's Drive; thence Westerly 125 feet; thence Northerly 60 feet; thence Easterly 125 feet, to the West terminus of Deacon Lane; thence Southerly 70 feet, along the West side of Deacon Lane, to the point of beginning (excluding all right of ways and easements).

Exhibit “C”



Property Appraisal
Calvin C. Hicks, Jr., CAE, RES, GCA
Chief Appraiser

Board of Assessors
Vivian R. Ingersoll, MA
Chair
Charlene Fang
Vice-Chair
Robert A. Burroughs, J.D.
Assessor
James D. Vernor, PhD., MAI
Assessor

November 23, 2021

To: Christopher Bell, Real Estate Specialist, DeKalb County GIS Department

From: Brian Jennings, Deputy Chief Appraiser, Property Appraisal Department

Subject: Parcel 18 334 01 109, 4184 Deacon Ln.

Fair Market Value: \$65,000

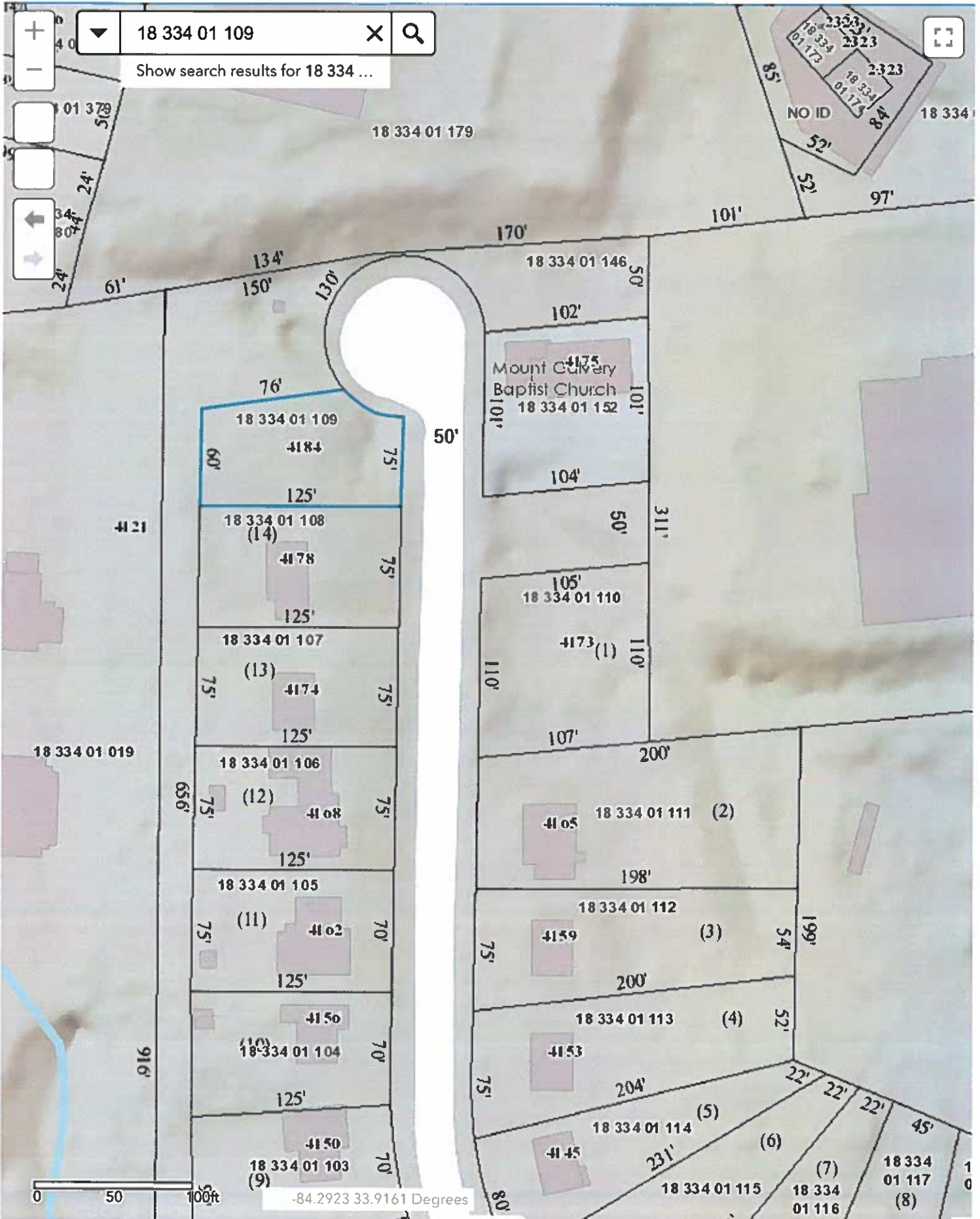
The subject property is a 7,841 square foot, (.18 acres) unimproved lot with 75' of road frontage. The parcel is zoned R-75 and is located in a residential neighborhood. A typical lot for this area is .20+/- acres with 70'-75' road frontage and is valued at \$65,000. The estimated appraised value for this vacant lot for tax year 2021 is \$65,000 based on sales of similar sized lots in the area. There is a newer subdivision to the NW of the subject property with SFR and Townhomes valued in the mid \$500's to upper \$600's.

Sincerely,

Brian Jennings
Deputy Chief Appraiser
DeKalb County Property Appraisal
Maloof Annex
1300 Commerce Ave
Decatur, Ga. 30030
Phone: 404-371-2808
Email: bjennings@dekalbcountyga.gov



DeKalb County Parcel Viewer



18 334 01 109 4184 Deacon Ln



02/21/2021

To the NW of the subject is a newer S/D of SFR and Townhomes



© All Pictometry

02/24/2021