

RESOLUTION

A RESOLUTION BY THE BOARD OF COMMISSIONERS OF DEKALB COUNTY, GEORGIA, TO CONSIDER THE ABANDONMENT OF A PORTION OF FIRST AVENUE, A PUBLIC RIGHT-OF-WAY LOCATED IN LAND LOT 9 OF THE 18th DISTRICT OF DEKALB COUNTY, GEORGIA.

WHEREAS, the owner of the property adjoining a public right-of-way of First Avenue have requested abandonment of a section of the right-of-way, located in Land Lot 9 of the 18th District of DeKalb County consisting of approximately 0.109 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 _____, 2018.

Jeff Rader
Presiding Officer
Board of Commissioners
DeKalb County, Georgia


APPROVED by the Chief Executive Officer of DeKalb County, this _____ day
of _____, 2018.

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:



Max M. Chang
Assistant County Attorney
DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:



Stacy Grear
Director
Geographical Information Systems
DeKalb County, Georgia

EXHIBIT "A"

FIRST AVENUE RIGHT-OF-WAY ABANDONMENT

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE LAND LOT 9 OF THE 18TH DISTRICT, DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE POINT ON THE EASTERN RIGHT OF WAY OF FIRST AVENUE WHERE THE SOUTHERN RIGHT OF WAY OF ROCKBRIDGE ROAD INTERSECTS WITH SAID EASTERN RIGHT OF WAY OF FIRST AVENUE,

THENCE SOUTH 02 DEGREES 15 MINUTES 57 SECONDS WEST ALONG SAID EASTERN RIGHT OF WAY OF FIRST AVENUE, 33.97 FEET TO THE POINT OF BEGINNING,

THENCE CONTINUE SOUTH 02 DEGREES 15 MINUTES 57 SECONDS WEST A DISTANCE OF 132.26 FEET TO A ½"RBF,

THENCE SOUTH 03 DEGREES 12 MINUTES 56 SECONDS WEST A DISTANCE OF 45.21 FEET TO A ½"RBF,

THENCE SOUTH 02 DEGREES 46 MINUTES 21 SECONDS WEST A DISTANCE OF 57.76 FEET TO A ½"RBF,

THENCE NORTH 87 DEGREES 25 MINUTES 21 SECONDS WEST A DISTANCE OF 27.28 FEET TO A POINT ON THE EASTERN RIGHT OF WAY OF FIRST AVE,

THENCE RUN NORTH ALONG EASTERN RIGHT OF WAY OF FIRST AVE NORTH 02 DEGREES 28 MINUTES 17 SECONDS EAST A DISTANCE OF 58.50 FEET TO A POINT,

THENCE RUN NORTH ALONG SAID RIGHT OF WAY NORTH 05 DEGREES 34 MINUTES 30 SECONDS EAST A DISTANCE OF 45.33 FEET TO A POINT,

THENCE RUN NORTH ALONG SAID RIGHT OF WAY NORTH 09 DEGREES 42 MINUTES 32 SECONDS EAST A DISTANCE OF 54.02 FEET TO A POINT,

THENCE RUN NORTH ALONG SAID RIGHT OF WAY NORTH 15 DEGREES 47 MINUTES 46 SECONDS EAST A DISTANCE OF 79.98 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINS 4730.34 SF = 0.109 AC