



DeKalb County Government

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

Agenda Item

File ID: 2018-1511

Substitute

2/13/2018

Public Hearing: YES NO

Department: GIS Department

SUBJECT:

Commission District(s): 4 & 6

Resolution to set a date and time for a public hearing related to consideration of abandonment of a 0.336 acre section of Patterson Avenue right of way.

Information Contact: Stacy Grear

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 0.336 acre section of Patterson Avenue 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 right of way.

The adjoining property owner has requested that 0.336 acre section of Patterson Avenue right of way be abandoned. The subject property is zoned "M" and valued at \$4,200.00 by the Property Appraisal Department. Sale of the property would return it to the tax roll. The Planning & Sustainability Department has recommended abandonment of the right of way segment, pursuant to the provisions of the DeKalb County Organization Act, Article VI, Sec. 2-181(b)(1). The subject property is no longer needed for road 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:

There is no fiscal impact.

RECOMMENDATION:

Adopt the attached resolution setting a date and time for a public hearing related to potential abandonment of an unopened segment of Patterson Avenue 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 SECTION OF PATTERSON AVENUE, A PUBLIC RIGHT-OF-WAY LOCATED IN LAND LOT 9 OF THE 18th DISTRICT OF DEKALB COUNTY, GEORGIA.

WHEREAS, the owners of the property adjoining a public right-of-way known as Patterson Avenue have requested the abandonment of a section of the right-of-way, located in Land Lot 9 of the 18th District of DeKalb County consisting of approximately 0.336 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(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 April 10, 2018 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 _____, 2018.

Jeff Rader
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

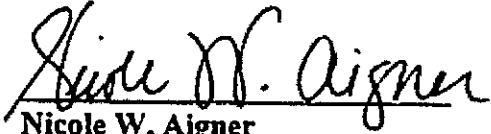
APPROVED by the Chief Executive Officer of DeKalb County, this _____ day of _____, 2018.

Michael L. Thurmond
Chief Executive Officer
DeKalb County, Georgia

ATTEST:

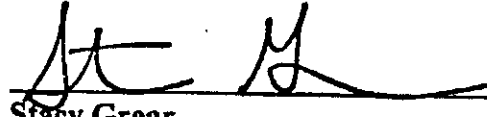
Barbara H. Sanders-Norwood, CCC
Clerk
Board of Commissioners and
Chief Executive Officer
DeKalb County, Georgia

APPROVED AS TO FORM:



Nicole W. Aigner
Senior Assistant County Attorney
DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:



Stacy Grear
Director
Geographical Information Systems
DeKalb County, Georgia

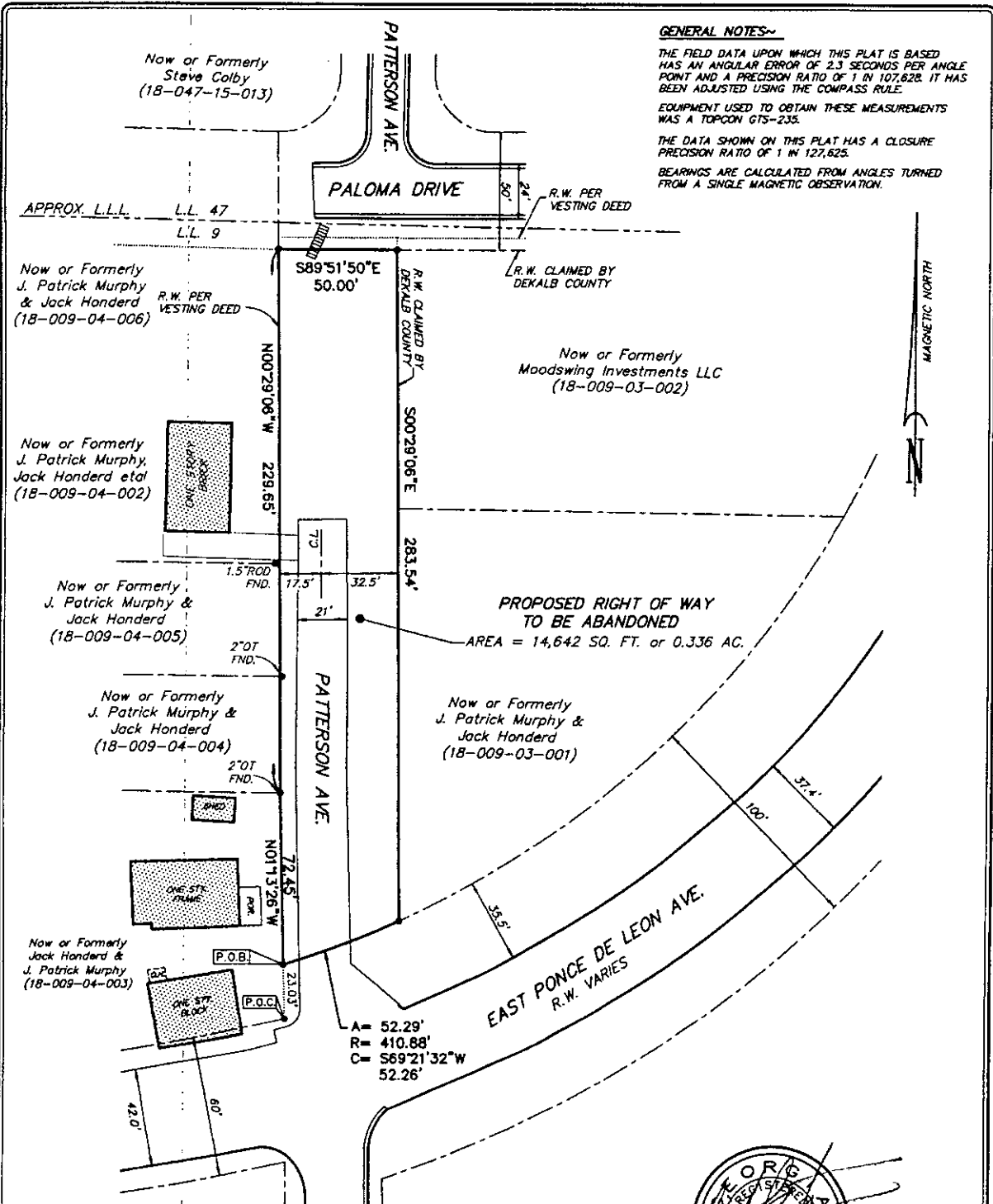
EXHIBIT "A"

Patterson Avenue

(Right of way to be Abandoned)

All that tract or parcel of land lying and being in Land Lot 9, 18th District, City of Scottdale, Dekalb County, Georgia, and being more particularly described as follows:

BEGINNING at a point on the westerly right of way of Patterson Avenue (50 foot right of way), said point being 23.03 feet northerly from the intersection of the northerly right of way of East Ponce de Leon Avenue (right of way varies) and the westerly right of way of Patterson Avenue; thence continue along said right of way of Patterson Avenue the following courses and distances: N 01°13'26" W a distance of 72.45 feet to a 2 inch open top pipe found; thence N 00°29'06" W a distance of 229.65 feet to a point at the intersection of the westerly right of way of Patterson Avenue and the southerly right of way of Paloma Drive (50 foot right of way); thence along said right of way of Paloma Drive S 89°51'50" E a distance of 50.00 feet to a point; thence leaving said right of way, along the easterly right of way of Patterson Avenue S 00°29'06" E a distance of 283.54 feet to a point on the northerly right of way of East Ponce de Leon Avenue; thence along said right of way along a curve to the right, following the curvature thereof for an arc distance of 52.29 feet; said curve having a radius of 410.88 feet and being subtended by a chord of S 69°21'32" W 52.26 feet to the **POINT OF BEGINNING**. Said tract contains 14,642 square feet or 0.336 acre.



ABBREVIATIONS

- IPF = IRON PIN FOUND
- IPS = IRON PIN SET
- R.W. = RIGHT OF WAY
- SSE = SANITARY SEWER EASEMENT
- DE = DRAINAGE EASEMENT
- LLL = LAND LOT LINE
- C.L. = CENTERLINE
- #ARB = 1 1/2" REBAR
- CT = CRIMP TOP PIN
- OT = OPEN TOP PIN
- CMP = CORRUGATED METAL PIPE
- DI = DROP INLET
- JB = JUNCTION BOX
- MH = MANHOLE
- CB = CATCH BASIN
- BM = BENCHMARK
- PP = POWER POLE
- FH = FIRE HYDRANT
- B.C. = BACK OF CURB
- E.P. = EDGE OF PAVEMENT
- TX = TRANSFORMER

RIGHT OF WAY ABANDONMENT PLAT FOR PATTERSON T.I.C.
LOCATED IN LAND LOT 9
18th DISTRICT, CITY OF SCOTSDALE
DEKALB COUNTY, GEORGIA
AUGUST 12, 2016 1"=40'

SCALE IN FEET

REVISED MAY 26, 2017
REVISED JUNE 30, 2017
REVISED JULY 26, 2017

BARTON SURVEYING INC.
P.O. BOX 640
LEBANON, GEORGIA 30146
(770) 345-2810
(LICENSE No. LSF 000151)

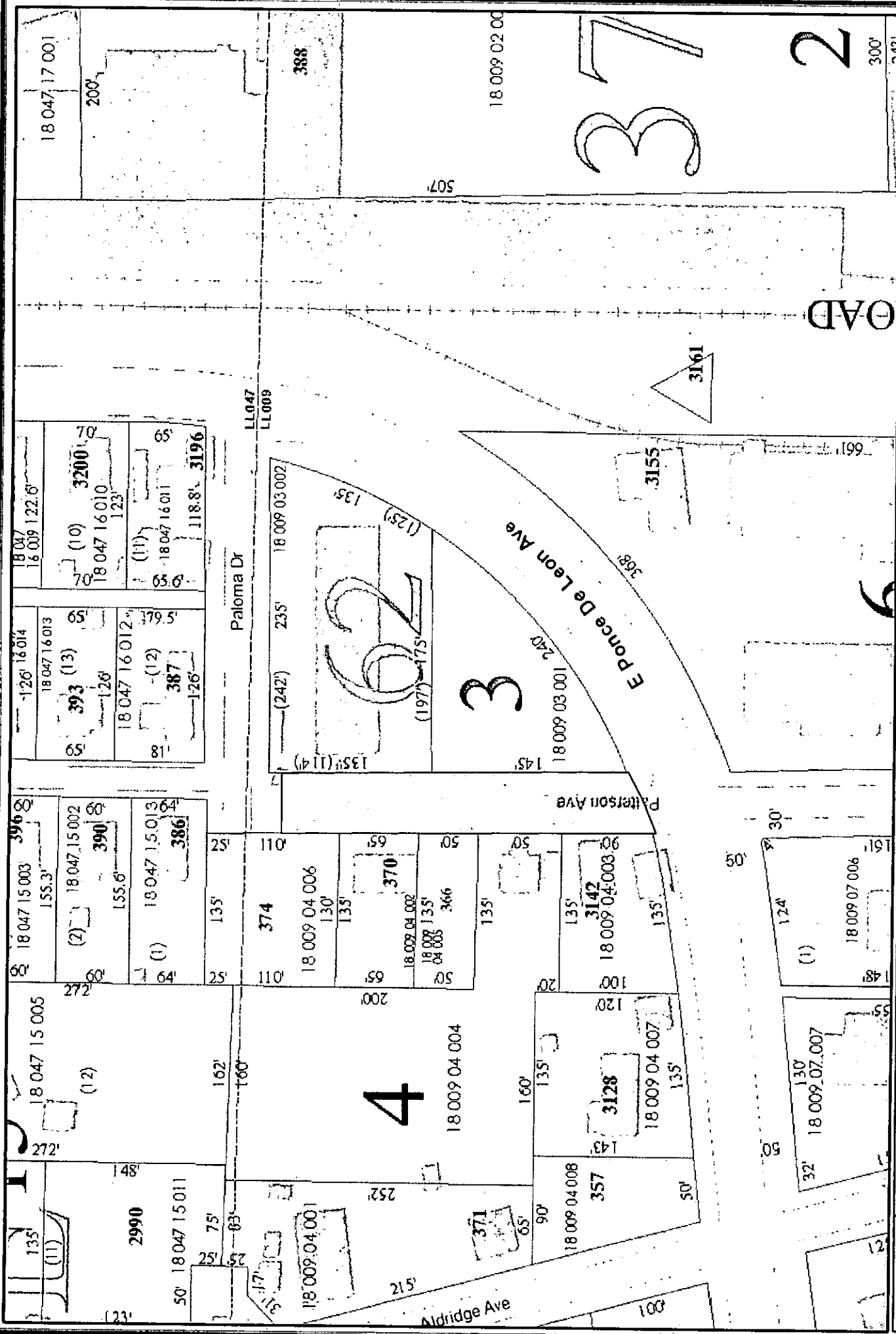
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Map - Patterson Ave 18 009

Date Printed: 10/10/2017

