

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 0.034 ACRE (1,497 SQUARE FEET) OF AN ALLEY LOCATED BETWEEN 3103 & 3109 KELLY STREET, A PUBLIC ALLEY LOCATED IN LAND LOT 47 OF THE 18th DISTRICT OF DEKALB COUNTY, GEORGIA.

WHEREAS, the owners of the property adjoining a public alley have requested the abandonment of a section of the alley, located in Land Lot 47 of the 18th District of DeKalb County between 3103 & 3109 Kelly Street consisting of approximately 0.034 acres 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 27, 2020 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 _____, 2020.

Stephen R. Bradshaw
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this _____ day of ___, 2020.

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 Gear
Director
Geographical Information Systems
DeKalb County, Georgia

EXHIBIT "A"

Kelly Street Alley

(Portion of Alley to be Abandoned)

Abandoned Alley

All that tract or parcel of land lying and being in Land Lot 47 of the 18th District, Dekalb County, Georgia, and being more particularly described as follows:

Beginning a #4 rebar found, being located 540.15 feet west of the intersection of the southern right of way of Kelly Street (50' R/W) with the western right of way of Third Avenue, as measured along the southern right of way of Kelly Street, Said #4 rebar found being the True Point of Beginning. Proceeding thence and leaving said right of way South 02 degrees 01 minutes 49 seconds West, a distance of 150.39 feet to a #4 rebar found; Proceeding thence North 86 degrees 51 minutes 26 seconds West, a distance of 9.98 feet to an iron pin set: Proceeding thence North 02 degrees 02 minutes 26 seconds East, a distance of 150.00 feet to a #4 rebar found at the southern right of way of Kelly Street; Proceeding thence along said right of way South 89 degrees 05 minutes 00 seconds East, a distance of 9.96 feet to a # 4 rebar found and the True Point of Beginning.

Tract or parcel being an abandoned alley, As shown on a survey for Elgin Pritchett by Dekalb Surveys, Inc. Last revised: February 22, 2019. Said tract or parcel containing 1,497 Square Feet or 0.034 Acres.