

RESOLUTION

A RESOLUTION BY THE BOARD OF COMMISSIONERS OF DEKALB COUNTY, GEORGIA, TO CONSIDER THE ABANDONMENT OF A PORTION OF MARSHALLS INDUSTRIAL DRIVE, A PUBLIC RIGHT-OF-WAY LOCATED IN LAND LOT 26 OF THE 16th DISTRICT OF DEKALB COUNTY, GEORGIA.

WHEREAS, the owners of the property adjoining a public right-of-way of Marshalls Industrial Drive have requested abandonment of a section of the right-of-way, located in Land Lot 26 of the 16th District of DeKalb County consisting of approximately 0.539 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) The unused right-of-way segment identified in Exhibit "A" is no longer needed for public road purposes; 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. The quitclaim deed shall contain a covenant requiring that any gate installed on the section of right-of-way proposed for abandonment comply with the requirements of the DeKalb County Fire and Rescue Department's Gate Policy. The exact parameters of the referenced easements, covenants, quit claim deed and any other documents necessary to effect the proposed abandonment and transfer are to be determined by and memorialized in a format that is acceptable to the County Attorney. 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:



Matthew C. Welch
Supervising County Attorney
DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:



Stacy Grear
Director
Geographical Information Systems
DeKalb County, Georgia

EXHIBIT "A"

Marshalls Industrial Drive

LEGAL DESCRIPTION OF R/W ABANDONMENT

All that tract or parcel of land lying and being in Land Lots 26 and 39 of the 16th Land District, DeKalb County, Georgia, said tract or parcel of land being more fully shown and designated on a plat of survey prepared by Valentino & Associates, Inc. (Job #16-042; Drawing/File #16-042), bearing the seal of Glenn A. Valentino, Ga. Registered Land Surveyor #2528, and being more particularly described, with bearings relative to Grid North, Georgia West Zone, as follows:

BEGINNING at a 1/2" iron pin set on the northerly right-of-way line of Marshalls Industrial Drive (60' public r/w), said 1/2" iron pin set being located 562.15 feet west of the intersection of said northerly right-of-way line of Marshalls Industrial Drive and the westerly right-of-way line of Park Central Boulevard (60' public r/w), as measured along said northerly right-of-way line of Marshalls Industrial Drive.

THENCE departing said northerly right-of-way line of Marshalls Industrial Drive South 01 degrees 30 minutes 06 seconds West for a distance of 60.00 feet to a 1/2" iron pin set on the southerly right-of-way line of Marshalls Industrial Drive;

THENCE proceeding along said southerly right-of-way line of Marshalls Industrial Drive the following courses and distances:

North 88 degrees 25 minutes 22 seconds West for a distance of 3.98 feet to a computed point;

THENCE along a curve to the right having a radius of 609.41 feet for an arc distance of 330.72 feet (said arc being subtended by a chord of North 72 degrees 52 minutes 33 seconds West for a distance of 326.68 feet) to a computed point;

THENCE North 57 degrees 19 minutes 45 seconds West for a distance of 72.87 feet to a 1/2" iron pin set;

THENCE departing said southerly right-of-way line of Marshalls Industrial Drive North 32 degrees 31 minutes 27 seconds East for a distance of 60.00 feet to a 1/2" iron pin set on the northerly right-of-way line of Marshalls Industrial Drive;

THENCE proceeding along said northerly right-of-way line of Marshalls Industrial Drive the following courses and distances:

South 57 degrees 19 minutes 45 seconds East for a distance of 73.03 feet to a computed point;

THENCE along a curve to the left having a radius of 549.41 feet for an arc distance of 298.16 feet (said arc being subtended by a chord of South 72 degrees 52 minutes 33 seconds East for a distance of 294.52 feet) to a computed point;

THENCE South 88 degrees 25 minutes 22 seconds East for a distance of 3.90 feet to a 1/2" iron pin set, said 1/2" iron pin set being the POINT OF BEGINNING.

Said tract or parcel of land contains 0.539 acres or 23,480 square feet.