



# DeKalb County Government

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

## Agenda Item

File ID: 2018-1511

Substitute

2/27/2018

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 18<sup>th</sup> 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:**

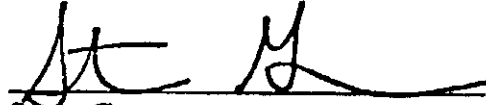
\_\_\_\_\_  
**Barbara H. Sanders-Norwood, CCC**  
Clerk  
Board of Commissioners and  
Chief Executive Officer  
DeKalb County, Georgia

**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

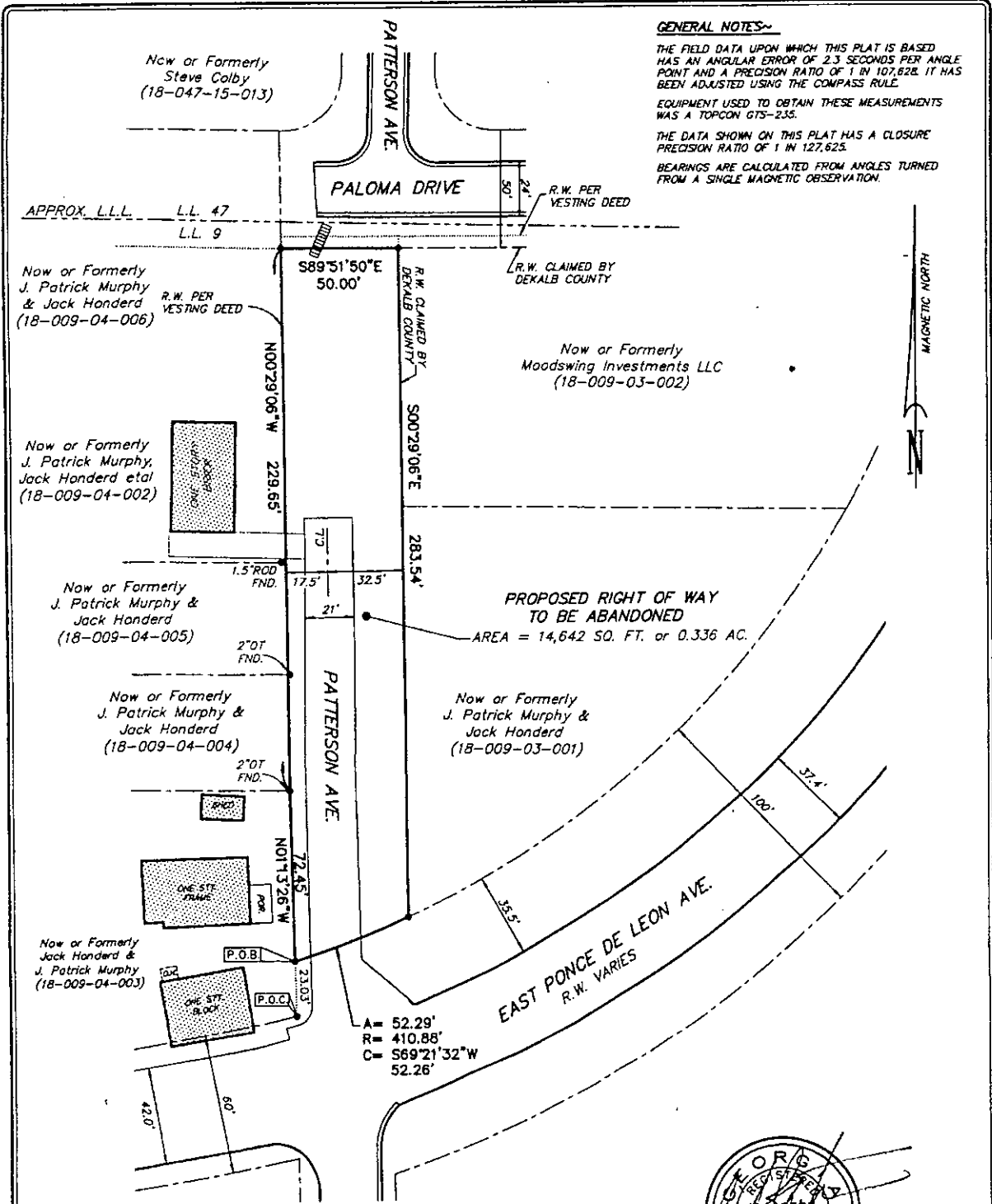
**EXHIBIT "A"**

**Patterson Avenue**

**(Right of way to be Abandoned)**

All that tract or parcel of land lying and being in Land Lot 9, 18<sup>th</sup> 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.



Now or Formerly  
Steve Colby  
(18-047-15-013)

APPROX. L.L.L. L.L. 47  
L.L. 9

Now or Formerly  
J. Patrick Murphy  
& Jack Honderd  
(18-009-04-006)

Now or Formerly  
J. Patrick Murphy,  
Jack Honderd et al  
(18-009-04-002)

Now or Formerly  
J. Patrick Murphy &  
Jack Honderd  
(18-009-04-005)

Now or Formerly  
J. Patrick Murphy &  
Jack Honderd  
(18-009-04-004)

Now or Formerly  
Jack Honderd &  
J. Patrick Murphy  
(18-009-04-003)

S89°51'50"E  
50.00'

N00°29'06"W  
229.65'

R.W. CLAIMED BY  
DEKALB COUNTY  
500°29'06"E

R.W. PER  
VESTING DEED

Now or Formerly  
Moodswing Investments LLC  
(18-009-03-002)

PROPOSED RIGHT OF WAY  
TO BE ABANDONED  
AREA = 14,642 SQ. FT. or 0.336 AC.

Now or Formerly  
J. Patrick Murphy &  
Jack Honderd  
(18-009-03-001)

A = 52.29'  
R = 410.88'  
C = S69°21'32"W  
52.26'



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