

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2009- 146

A RESOLUTION TO GIVE NOTICE OF THE INTENT OF THE CLAYTON COUNTY BOARD OF COMMISSIONERS ON BEHALF OF CLAYTON COUNTY TO ABANDON A CERTAIN SECTION OF THE COUNTY ROAD SYSTEM, SPECIFICALLY A PORTION OF FLAT SHOALS ROAD AS MORE PARTICULARLY DESCRIBED HEREIN; TO AUTHORIZE PUBLICATION OF NOTICE; TO SET A PUBLIC HEARING; TO AUTHORIZE THE CHAIRMAN TO EXECUTE ANY DOCUMENTS NECESSARY TO ACCOMPLISH THE INTENT OF THIS RESOLUTION; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, Clayton County has been vested with the power and authority to dispose of property no longer needed for any public purpose; and

WHEREAS, the Clayton County Board of Commissioners has determined that a portion of the County road system no longer serves a substantial public purpose, and that said portion of the County road system should be abandoned; and

WHEREAS, the Clayton County Board of Commissioners wishes to give notice that it intends to declare abandoned said portion of the County road system, specifically a portion of Flat Shoals Road, lying and being in Land Lot 122 of the 13th Land District of Clayton County and as more particularly described herein; and

WHEREAS, the portion of the County road system to be abandoned is not located within the city limits of any municipality; and

WHEREAS, once said portion of the County road system is abandoned, it shall no longer be a part of the County road system, and the rights of the public in and to said right of way as a public roadway shall cease.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF
CLAYTON COUNTY, GEORGIA, AND IT IS HEREBY RESOLVED:

Section 1. It is hereby determined that the portion of the County road system, specifically a portion of Flat Shoals Road, lying and being in Land Lot 122 of the 13th Land District of Clayton County and as more particularly described on Exhibit "A", which is attached hereto and incorporated herein by this reference, and shown as "Portion of Right of Way to be Abandoned" on the plat attached hereto as Exhibit "B" and incorporated herein by this reference, serves no substantial public purpose, as this portion of right of way was not needed for the partial realignment of Flat Shoals Road which has been completed. Therefore, the Board of Commissioners hereby declares its intent to abandon said portion of the County road system under O.C.G.A. § 32-3-7.

In furtherance of its intent to abandon said portion of the County road system, notice shall be given, in writing to all property owners located on the right of way intended to be abandoned. Further, a public hearing shall be held on this issue on October 6, 2009, at seven o'clock in the evening (7:00 p.m.) in the Boardroom of the Clayton County Administration Building, 112 Smith Street, Jonesboro, Georgia, 30236, in accordance with O.C.G.A. § 32-7-2(b)(1). Notice of the intent to abandon said portion of the County road system, together with the date, time, and location of the public hearing thereon, shall be published once a week for two (2) consecutive weeks in the newspaper in which Sheriff's advertisements for Clayton County are published. Said Notice to be published is attached hereto as Exhibit "C" and incorporated herein by this reference.

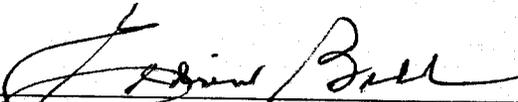
The Chairman of the Board of Commissioners is hereby authorized to execute any and all documents necessary to carry out and effectuate the intent of this Resolution. Michael Smith, Esq., County Attorney, and his designees, are hereby authorized and directed to take any and all steps necessary to render such notices as set forth herein.

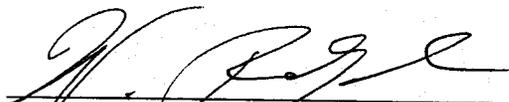
Section 2. If any section, sentence, clause or phrase of this Resolution is for any reason held invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution, and such remainder shall remain in full force and effect.

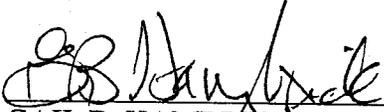
Section 3. This Resolution shall be effective on the date of its approval by the Board of Commissioners.

SO RESOLVED this 8th day of September, 2009.

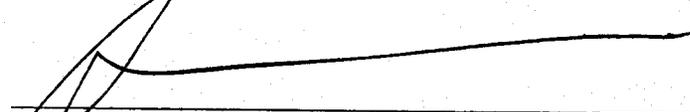
CLAYTON COUNTY BOARD OF COMMISSIONERS


ELDRIN BELL, CHAIRMAN

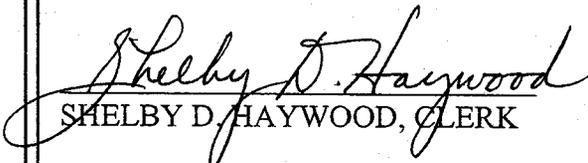

WOLE RALPH, VICE CHAIRMAN


GAIL B. HAMBRICK, COMMISSIONER


SONNA SINGLETON, COMMISSIONER


MICHAEL EDMONDSON, COMMISSIONER

ATTEST:


SHELBY D. HAYWOOD, CLERK