

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2009 – 179

A RESOLUTION PROVIDING FOR THE ABANDONMENT AND CONVEYANCE OF CLAYTON COUNTY'S INTEREST IN AND TO A CERTAIN SECTION OF THE COUNTY ROAD SYSTEM, SPECIFICALLY A PORTION OF FLAT SHOALS ROAD, LYING AND BEING IN LAND LOT 122 OF THE 13<sup>TH</sup> LAND DISTRICT OF CLAYTON COUNTY, GEORGIA; TO AUTHORIZE THE CHAIRMAN TO NEGOTIATE A CONVEYANCE OF SAID RIGHT OF WAY TO ADJACENT PROPERTY OWNERS AND TO EXECUTE ANY DOCUMENTS NECESSARY TO ACCOMPLISH THE INTENT OF THIS RESOLUTION; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, the County purchased right-of-way to make road improvements to the intersection of East Fayetteville Road and Flat Shoals Road, and acquired some right-of-way from Ms. Lynda Norton, in her capacities as executrix and administrator of the Estates of Ola H. Owens and Louis Franklin Owens, respectively; and

WHEREAS, at the time of the County's acquisition, Ms. Norton requested in writing that some of the original right-of-way – which her parents had allegedly donated to the County – not needed after completion of the County's realignment of Flat Shoals Road be deeded back to her family's estate; and

WHEREAS, a portion of Flat Shoals Road has been constructed on a new alignment, and Ms. Norton has provided the County a survey of the property she is requesting be re-conveyed to her parents' estate; 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, that said

portion of the County road system should be abandoned, and that another adjacent property owner is interested in obtaining said property; and

WHEREAS, Michael Smith, Esq., County Attorney, and his designees, have given notice that the Board of Commissioners intends to declare abandoned said portion of the County road system, consisting of approximately 0.220 acre of right of way, as more particularly described herein, and has held a public hearing on said issue; and

WHEREAS, the portion of the County road system being 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. The Board of Commissioners has determined that a certain section of the County road system is not useful or convenient to the public in general to the extent that no substantial public purpose will be served in the future by this right-of-way property. The right-of-way to be abandoned and conveyed is that portion of Flat Shoals Road lying and being in land lot 122 of the 13<sup>th</sup> Land District of Clayton County, Georgia, 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 (the "Property"). The Property 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. Michael Smith, Esq., County Attorney, and his designees, have notified the property owners located on said rights of way of the intent to abandon the Property, and have published once a week for two (2) consecutive weeks in the newspaper in which Sheriff's advertisements for Clayton

County are published a notice of the intent to abandon the Property and of the date, time, and location of the public hearing thereon. The Board of Commissioners has held a public hearing on the proposed abandonment 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, where the public and all interested parties had a reasonable opportunity to express their views, both orally and in writing, in accordance with O.C.G.A. § 32-7-2(b)(1).

Therefore, the Board of Commissioners hereby declares and certifies the Property abandoned under O.C.G.A. § 32-3-7.

Section 2. Pursuant to Section 2-29 of the Clayton County Code of Ordinances, the Board of Commissioners has the power to dispose of discontinued rights of way that are no longer needed for road improvements by private negotiations with the adjacent property owners for the purpose of sale. Therefore, the Chairman is authorized to negotiate a disposition of the Property, and, if the negotiation(s) result in a satisfactory conclusion, execute and deliver to adjacent property owner a Limited Warranty Deed(s) conveying the Property. If the negotiation(s) do not result in a satisfactory conclusion, the Chairman is authorized to take any and all steps necessary to conduct a public sale of the Property in accordance with Section 2-29.

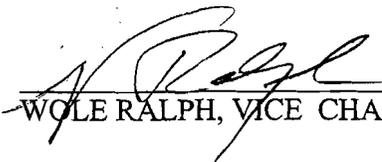
Section 3. If any section, sentence, clause or phrase of this Resolution is for any reason held invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution, and such remainder shall remain in full force and effect.

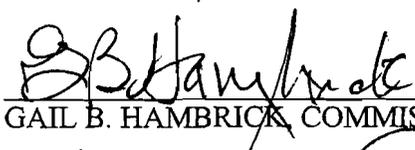
Section 4. This Resolution will be effective on the date of its approval by the Board of Commissioners.

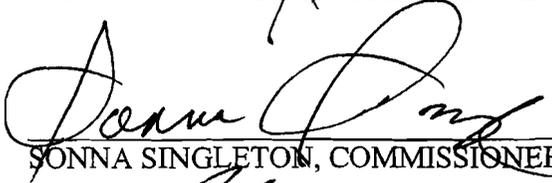
SO RESOLVED, this the 10<sup>th</sup> day of November, 2009.

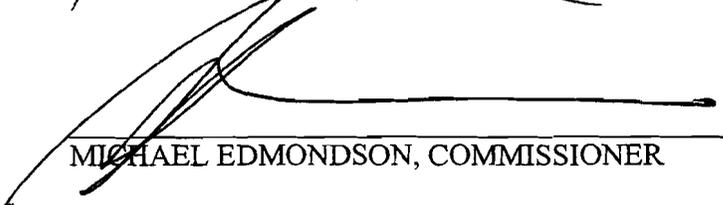
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