

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2016-46

A RESOLUTION TO ABANDON APPROXIMATELY 2,379.95 SQ. FT. (0.055 ACRES) OF RIGHT-OF-WAY FORMERLY KNOWN AS CLARK HOWELL HIGHWAY; TO AUTHORIZE THE CONVEYANCE OF THE ABANDONED RIGHT-OF-WAY TO THE ADJACENT OWNER; TO AUTHORIZE THE CHAIRMAN TO EXECUTE ANY AND ALL DOCUMENTS RELATING THERETO, AND OTHERWISE TO PERFORM ALL ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THIS RESOLUTION; 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 previously gave notice that it intends to declare abandoned said portion of the County road system formerly known as Clark Howell Highway, being approximately 2,379.95 sq. ft. (0.055 acres) of right of way, as more particularly described herein; and

WHEREAS, the Clayton County Board of Commissioners held a public hearing on the intended abandonment; and

WHEREAS, the portion of the County road system to be abandoned is not located within the territorial boundaries 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 previously has been determined that the portion of the County road system formerly known as Clark Howell Highway, being approximately 2,379.95 sq. ft. (0.055 acres) of right-of-way, more particularly described on Exhibit "A", and shown as "Tract 1" on the plat attached hereto as Exhibit "B", which Exhibits are attached hereto and incorporated herein by this reference, serves no substantial public purpose, a new alignment of Clark Howell Highway having been constructed and open to the public as a part of the County road system.

Section 2. The County has given notice of its intent to abandon said portion of the County road system, in writing, to all property owners located on the right of way intended to be abandoned. Further, the County has held a public hearing on this issue on March 1, 2016, at seven o'clock in the evening (7:00 p.m.) in the Boardroom of the Clayton County Administration Building, 112 Smith Street, Jonesboro, GA 20236, 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). 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, has been published once a week for two (2) consecutive weeks in the newspaper in which Sheriff's advertisements for Clayton County are published.

Section 3. 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 public roads by private negotiations with the adjacent owner(s). Therefore, the Chairman is authorized to negotiate a disposition of the Property and to execute and deliver to the adjacent property owner a quitclaim deed or limited warranty deed conveying the Property.

Section 4. The Chairman is hereby authorized to execute any and all documents necessary, and otherwise to perform all acts necessary or prudent, to carry out and to effectuate the intent of this Resolution.

Section 5. If any section, sentence, clause, or phrase of this Resolution is held or determined by any court of competent jurisdiction to be invalid or unconstitutional for any reason, 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 6. This Resolution shall be effective on the date of its approval by the Board of Commissioners.

SO RESOLVED, this the 1st day of March, 2016.

CLAYTON COUNTY BOARD OF COMMISSIONERS



JEFFREY E. TURNER, CHAIRMAN



SONNA GREGORY, VICE CHAIRMAN



MICHAEL EDMONDSON, COMMISSIONER



GAIL B. HAMBRICK, COMMISSIONER



SHANA M. ROOKS, COMMISSIONER

ATTEST:



SANDRA DAVIS, CLERK

[SEAL]