

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2008- 191

A RESOLUTION ABANDONING FOREST CHASE DRIVE, CEDAR SHOALS DRIVE AND OAK PARK DRIVE AS MORE PARTICULARLY DESCRIBED HEREIN; TO AUTHORIZE THE CHAIRMAN TO NEGOTIATE A CONVEYANCE OF SAID RIGHT OF WAY TO THE ADJACENT PROPERTY OWNER AND 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 portions of the County road system no longer serve a substantial public purpose, and that said portions of the County road system should be abandoned; and

WHEREAS, Michael Smith, Esq., County Attorney, and his designees, have given notice that the Board of Commissioners intends to declare abandoned Forest Chase Drive, Cedar Shoals Drive and Oak Park Drive in the County road system, all lying and being in Land Lot 87 of the 13<sup>th</sup> Land District of Clayton County, Georgia, as more particularly described herein, and has held a public hearing on said issue; and

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

WHEREAS, once said portions of the County road system are abandoned, they shall no longer be a part of the County road system, and the rights of the public in and to said rights of way as public roadways 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 portions of the County road system known as Forest Chase Drive, Cedar Shoals Drive and Oak Park Drive in the County road system, all lying and being in Land Lot 87 of the 13<sup>th</sup> Land District of Clayton County, Georgia, more particularly described on Exhibit "A", which is attached hereto and incorporated herein by this reference, and shown on the plat attached hereto as Exhibit "B" and incorporated herein by this reference (the "Property"), serve no substantial public purpose, as Stephens MDS, LP owns all real property served by these roads, which the County has no interest in maintaining in the foreseeable future. Michael Smith, Esq., County Attorney, and his designees, have notified the property owner 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 November 4, 2008, 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

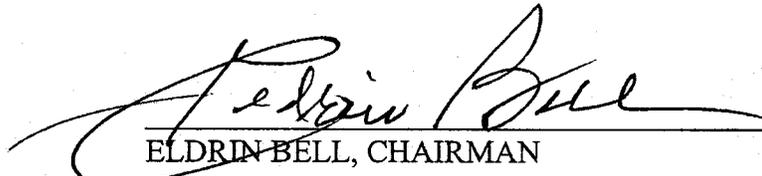
property owner(s) for the purpose of sale. Therefore, the Chairman is authorized to negotiate a disposition of the Property, and, if the negotiation(s) result in a satisfactory conclusion, execute and deliver to adjacent property owner a Limited Warranty Deed(s) conveying the Property. If the negotiation(s) 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.

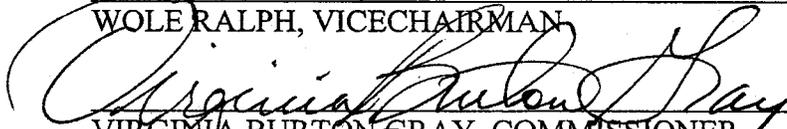
Section 4. This Resolution shall be effective on the date of its approval by the Board of Commissioners.

SO RESOLVED this 4<sup>th</sup> day of November, 2008.

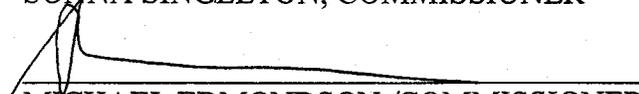
CLAYTON COUNTY BOARD OF COMMISSIONERS

  
ELDRIN BELL, CHAIRMAN

(Absent)  
WOLE RALPH, VICECHAIRMAN

  
VIRGINIA BURTON GRAY, COMMISSIONER

  
SONNA SINGLETON, COMMISSIONER

  
MICHAEL EDMONDSON, COMMISSIONER

ATTEST:

  
SHELBY D. HAYWOOD, CLERK