COUNTY DEPARTMENT AGENDA REQUEST

Department:	County Attorney	Presenter(s):	Scott Bennett, County Attorney
Meeting Date:	Thursday, December 9, 2010	Type of Request:	Consent

Wording for the Agenda:

Approve Resolution No. 2010-19 to abandon right-of-way totaling 65 square feet on Melanie Lane.

Background/History/Details:

The Hwangs contracted to have a brick entrance constructed on their property. Due to an error in establishing the location of the entrance, a small portion of the entrance was built on the County's right-of-way. This abandonment will eliminate the need for the Hwangs to rebuild the entrance.

What action are you seeking from the Board of Commissioners?

Adoption of Resolution No. 2010-19.

If this item requires funding, please describe:

No cost to the County.

Has this issue come before the Commissioners in the past?	Yes	If so, when?	Wednesday, December 1, 2010
Do you need audio-visual for the presentation?		Back-up Material Submitted?	Yes

STAFF USE ONLY

Approved by Finance	Not Applicable	Reviewed by Legal	Yes
Approved by Purchasing	Not Applicable	Approved by County Clerk	Yes
Administrator's Approval	Yes		

Staff Notes:

STATE OF GEORGIA
COUNTY OF FAYETTE

RESOLUTION NO. 2010 - 19

A RESOLUTION AUTHORIZING FAYETTE COUNTY TO ABANDON ITS INTEREST IN AND TO A PORTION OF THE COUNTY'S SYSTEM OF ROADS, NAMELY A SMALL PORTION OF THE EDGE OF THE RIGHT-OF-WAY OF MELANIE LANE, AND THEREAFTER, CONVEY SAID RIGHT-OF-WAY TO THE ADJOINING PROPERTY OWNERS AS PROVIDED BY GEORGIA LAWS; TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE DEED OF CONVEYANCE TOGETHER WITH ANY OTHER DOCUMENT NECESSARY TO ACCOMPLISH THE INTENT AND PURPOSE OF THIS RESOLUTION; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Fayette County owns a certain public right-of-way, namely Melanie Lane, located in the unincorporated area of Fayette County, Georgia; and

WHEREAS, a wall was built into the right-of-way of Melanie Lane that now encroaches minimally in two places; and

WHEREAS, it is hereby determined that the portion of Melanie Lane right-of-way sought to be abandoned and conveyed is a part of the County's existing road system and has ceased being used by the public to the extent that no substantial public purpose is now or in the future will be served by such right-of-way; and

WHEREAS, the Board of Commissioners deems it in the best interest of Fayette County, and the County will best be served by abandoning and conveying a portion of the Melanie Lane right-of-way to the adjoining property owners.

NOW, THEREFORE, be it resolved by the Board of Commissioners of Fayette County, Georgia, as follows:

The Board of Commissioners hereby authorizes Fayette County to abandon and thereafter convey its interest in and to a portion of the Melanie Lane right-of-way located in Fayette County, Georgia. A copy of a plat with legal description showing the like property to be acquired from the adjoining property owners is also attached hereto and by reference incorporated herein. The conveyance contemplated herein shall take place immediately upon compliance with statutory provisions of state and local law relating to the abandonment and sale of public property. Further, the Board of Commissioners hereby authorizes the Chairman to execute the deed of conveyance to the adjoining property owners together with any other document necessary to accomplish the intent and purpose of this Resolution.

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

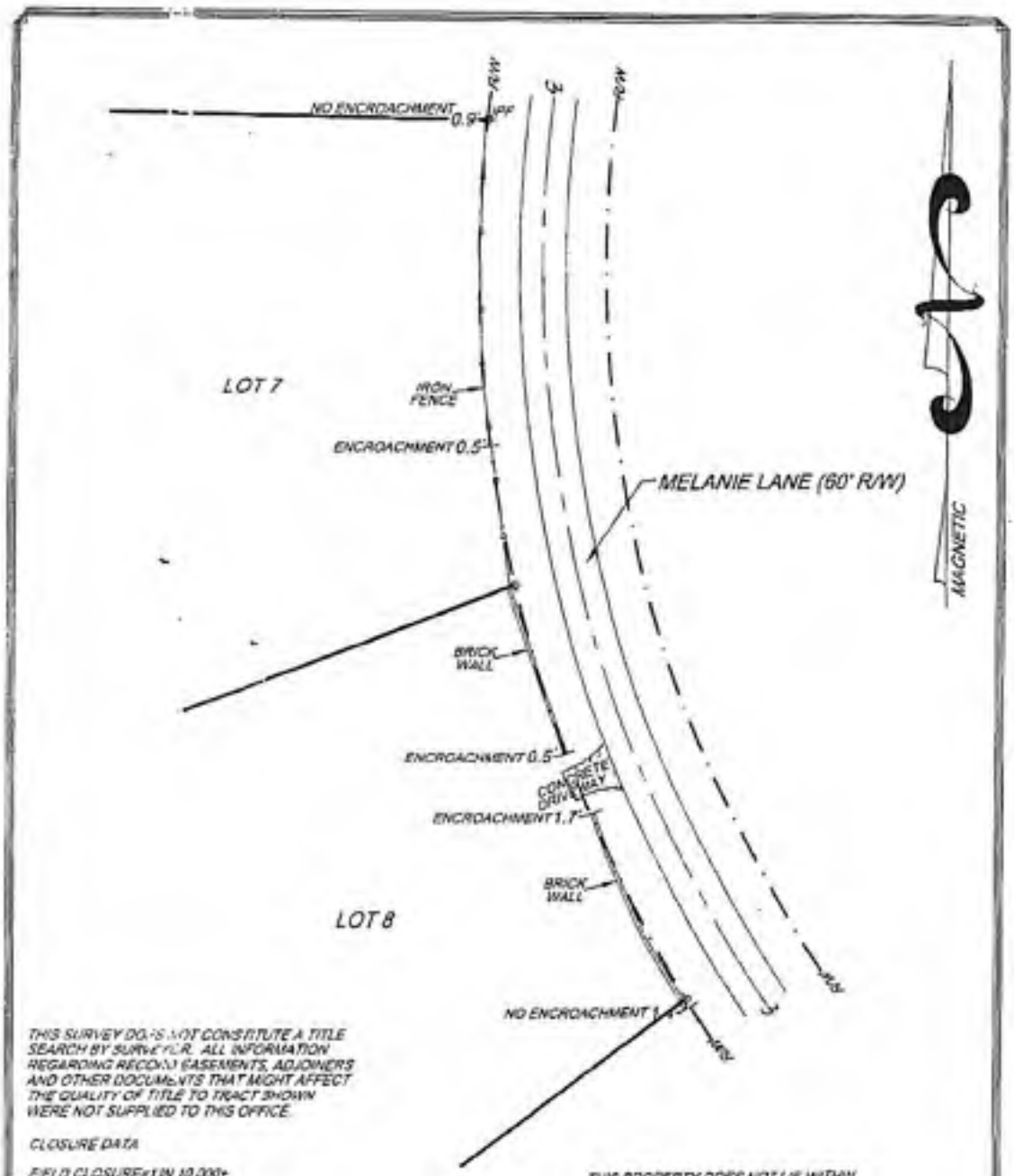
SO RESOLVED, this the 9th day of December, 2010.

BOARD OF COMMISSIONERS
OF FAYETTE COUNTY

By: _____
Jack R. Smith, Chairman

ATTEST:

_____
Carol Chandler, County Clerk



THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR. ALL INFORMATION REGARDING RECORD EASEMENTS, ADJOINERS AND OTHER DOCUMENTS THAT MIGHT AFFECT THE QUALITY OF TITLE TO TRACT SHOWN WERE NOT SUPPLIED TO THIS OFFICE.

CLOSURE DATA

FIELD CLOSURE=1 IN 10,000+
ANGLE POINT ERROR=< 20"
EQUIPMENT USED=E.D.M. & THEODOLITE
ADJUSTMENT METHOD=COMPASS RULE
PLAT CLOSURE=1 IN 100,000+

LEGEND

IPF=IRON PIN FOUND
IPS=IRON PIN SET
R/W=RIGHT OF WAY
MAG= MAGNETIC
P.O.B.=POINT OF BEGINNING
B.L.=BUILDING LINE
D.E.=DRAINAGE EASEMENT
N.F.=NOW OR FORMERLY
F.W.P.D.=FIELD WORK PERFORMED DATE

GRAPHIC SCALE
0 30 60 120

THIS PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD PLAIN ACCORDING TO REFERENCE PLAT.

DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK.
SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND ORIGINAL SIGNATURE OF SURVEYOR.

Prepared For:

JASON THOMPSON

Subdivision: OLD FORD ACRES		
Lot: 7 & 8	P.B 12 - PG. 154	
Land Lot: 228	District: 1st	
County: FAYETTE, GA	F.W.P.D. 07/17/07	
Scale: 1" = 60'	Date: 07/18/07	Job No: 06-0087

GEORGIA REGISTERED LAND SURVEYOR RONALD T. GODWIN

DELTA SURVEYORS, INC.
surveyors planners development consultants
770-460-9342 - (fax) 770-460-7114
P.O. BOX 571
Fayetteville, GA 30214

DELTA SURVEYORS INC

JOHN 3:16

RDG

LEGAL DISCRIPTION
FENCE WALL B LOT 7 AND 8 OF OLD FORD ACRES S/D

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 228 OF THE 1ST DISTRICT, FAYETTE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING, BEGIN AT A POINT ON THE WEST R/W OF MELANIE LANE SAID POINT BEING 337.08 FEET IN A SOUTHERNLY DIRECTION FROM THE RIGHT FRONT PROPERTY CORNER OF LOT 7, THENCE RUNNING N 70 43 39 E A DISTANCE OF 1.93 FEET TO A POINT, THENCE RUNNING S 19 16 21 E A DISTANCE OF 21.95 FEET TO A POINT, ON THE WEST R/W OF MELANIE LANE, THENCE CURVING TO THE RIGHT ALONG SAID R/W A CHORD BEARING OF N 24 18 27 W, A CHORD DISTANCE OF 22.04 FEET BEING SUBTENDED BY AN ARC DISTANCE OF 22.04 FEET HAVING A RADIUS OF 669.58 FEET TO A POINT ON THE WEST R/W OF MELANIE LANE AND THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINS 23 SQUARE FEET

LEGAL DISCRIPTION
FENCE WALL LOT 7 AND 8 OF OLD FORD ACRES S/D

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 228 OF THE 1ST DISTRICT, FAYETTE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING, BEGIN AT A POINT ON THE WEST R/W OF MELANIE LANE SAID POINT BEING 249.35 FEET IN A SOUTHERNLY DIRECTION FROM THE RIGHT FRONT PROPERTY CORNER OF LOT 7, THENCE RUNNING S 19 00 21 E A DISTANCE OF 55.93 FEET TO A POINT, THENCE RUNNING S 70 59 39 W A DISTANCE OF 0.74 FEET TO A POINT, ON THE WEST R/W OF MELANIE LANE, THENCE CURVING TO THE RIGHT ALONG SAID R/W A CHORD BEARING OF N 18 15 04 W, A CHORD DISTANCE OF 55.93 FEET BEING SUBTENDED BY AN ARC DISTANCE OF 55.95 FEET HAVING A RADIUS OF 669.58 FEET TO A POINT ON THE WEST R/W OF MELANIE LANE AND THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINS 42 SQUARE FEET