STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2016-33

A RESOLUTION TO GIVE NOTICE OF THE INTENT OF CLAYTON COUNTY TO ABANDON APPROXIMATELY 2,379.95 SQ. FT. (0.055 ACRES) OF RIGHT-OF-WAY FORMERLY KNOWN AS CLARK HOWELL HIGHWAY; TO AUTHORIZE PUBLICATION OF NOTICE; TO SET A PUBLIC HEARING; 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 wishes to give 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 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 is hereby 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. Therefore, the Board of Commissioners hereby declares its intent to abandon said portion of the County road system pursuant to O.C.G.A. § 32-3-7.

Section 2. 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 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, in accordance with O.C.G.A. § 32-3-7(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.

Section 3. 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. Christie Cross Barnes, Chief Staff Attorney, or her designees, are hereby authorized and directed to take any and all steps necessary to publish or cause to be published the Notice as set forth in Section 2 of this Resolution.

Section 4. 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 5. This Resolution shall be effective on the date of its approval by the Board of Commissioners.

SO RESOLVED, this the 16th day of February, 2016.

[Signatures appear on following page]

[Signatures to Resolution 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]