

RESOLUTION NO. _____

A RESOLUTION TO DECLARE AND CERTIFY ABANDONED AN UNNAMED ROAD RUNNING PARALLEL TO VIRGINIA AVENUE BETWEEN ELKINS STREET AND RAINEY AVENUE ; TO AUTHORIZE RECORDATION OF THIS RESOLUTION AND ACCOMPANYING EXHIBIT(S) IN THE CITY MINUTES; TO AUTHORIZE THE CITY ATTORNEY TO PREPARE DOCUMENTS FOR THE DISPOSAL OF SAID PROPERTY; TO AUTHORIZE DELETION OF SAID PROPERTY FROM ANY OFFICIAL RECORDS REFLECTING THE CURRENT CITY STREET SYSTEM; TO REPEAL INCONSISTENT PROVISIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Hapeville (the "City") is vested with the power and responsibility under state law to protect the health, safety, and welfare of its residents, to promote economic development, provide for the transportation needs of the public, and ensure that natural areas be maintained in a manner designed to maintain a desirable community; and

WHEREAS, the City has maintained as part of the municipal street system a ten-foot road between Elkins Street and Rainey Avenue, said right of way being more particularly described in Exhibit "A" which is attached hereto and incorporated herein by reference (the "Property"); and

WHEREAS, the City has determined that no substantial public purpose would be served by maintaining the Property as public road; and

WHEREAS, the City notified all adjacent landowners of the City's intent to abandon the Property; and

WHEREAS, the Mayor and City Council have held a hearing regarding the abandonment of the Property at a regularly scheduled meeting; and

WHEREAS, the City determined that the Property was not located in an Urban Redevelopment Area as that term is defined in O.C.G.A. § 36-61-10; and

WHEREAS, the Mayor and Council of the City, in the exercise of their sound judgment and discretion, after giving thorough consideration to all the implications involved, and keeping in mind the public interest and welfare of the citizens of the City, have determined that abandoning the Property would be advantageous to and would best benefit the citizens of the City; and

WHEREAS, the City now wishes to declare the Property abandoned; to direct the City Clerk to record this Resolution and accompanying exhibit(s) in the City's minutes; to authorize the City Manager to proceed with the disposal of the Property in accordance with O.C.G.A. § 32-7-4; and to authorize the City Clerk to remove all references to the Property from any City records reflecting the City's street system.

NOW THEREFORE, IT IS HEREBY RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF HAPEVILLE:

1. **No Public Purpose Certification.** The City Council hereby certifies that no substantial public purpose will be served by maintaining the Property as public road.

2. **Declaration That Property Is Abandoned.** The City hereby declares the Property to be formally abandoned. The rights of the public in and to the Property as a public road shall cease immediately.

3. **Disposal of Abandoned Property.** The Mayor is authorized to dispose of the Property in accordance with O.C.G.A. § 32-7-4. The disposal price shall be no less than the amount paid for the Property, in today's dollars, when purchased for a public road.

4. **Recordation.** The City Clerk is hereby directed to record this Resolution, declaration, certification, and accompanying exhibit(s), including a plat or sketch of the Property, in the official minutes of the City.

5. **Deletion From City Records.** The City Clerk is hereby authorized to delete all references to the Property as City property from City records reflecting the current City street system.

6. **Severability.** To the extent any portion of this Resolution is declared to be invalid, unenforceable, or nonbinding, that shall not affect the remaining portions of this Resolution.

7. **Repeal of Conflicting Provisions.** All City resolutions are hereby repealed to the extent they are inconsistent with this Resolution.

8. **Effective Date.** This Resolution shall take effect immediately.

RESOLVED this _____ day of _____, 2019.

CITY OF HAPEVILLE, GEORGIA

Alan Hallman, Mayor

ATTEST:

City Clerk

EXHIBIT "A"

Plat/Sketch and Legal Description of Property to be Abandoned