

1 **A RESOLUTION AUTHORIZING THE TRANSFER OF APPROXIMATELY 4063.66**
2 **SQUARE FEET OF COUNTY-OWNED REAL PROPERTY FROM THE REAR**
3 **PORTION OF FULTON COUNTY REAL PROPERTY LOCATED ON 9665 DOGWOOD**
4 **ROAD, ROSWELL, GEORGIA TO THE GEORGIA DEPARTMENT OF**
5 **TRANSPORTATION FOR THE PURPOSE OF CONSTRUCTING THE GA 400**
6 **EXPRESS LANE PROJECT; AND FOR OTHER PURPOSES.**

7
8 **WHEREAS**, Fulton County, Georgia, ("Fulton County") is a political subdivision
9 of the State of Georgia, existing as such under and by the Constitution, statutes, and
10 laws of the State of Georgia; and

11 **WHEREAS**, Fulton County on July 5, 1968 acquired fee simple ownership of the
12 subject real property and all improvements located at 9665 Dogwood Road, Roswell,
13 Georgia (the "Property") by virtue of a certain Warranty Deed from Henry T. Wigenton
14 as recorded in Deed Book 4924, Page 115, Fulton County Records; and

15 **WHEREAS**, the Georgia Department of Transportation ("GDOT") desires to
16 construct the GA 400 Express Lane Project requiring the acquisition of a rear portion of
17 Fulton County real property located on 9665 Dogwood Road, PROJECT NO. MSL00-
18 0001-00(757) (the "Project"), in the 1st District ,2nd Sections Land Lots 536 and 537 and
19 more particularly described in Exhibit "A", attached hereto and incorporated herein by
20 this reference; and

21 **WHEREAS**, GDOT has requested that Fulton County donate the required real
22 property rights in exchange for GDOT continuing to permit use by the Fulton County
23 Department of Public Works of existing onsite encroachments, to include driveway
24 access and continued storage of water meters and operational supplies, in the existing
25 right of way; and

26 **WHEREAS**, Fulton County is agreeable to transferring approximately 4,061.66
27 square feet of real property within the Property to GDOT for the express purpose of

1 facilitating the construction of the Project to promote efficiency of traffic flow in Fulton
2 County; and

3 **WHEREAS**, pursuant to Fulton County Code § 1-117, the Board of
4 Commissioners has exclusive jurisdiction and control over directing and controlling all
5 the property of the county, as they may deem expedient, according to law and O.C.G.A.
6 § 36-9-3(a)(2)(A) authorizes the granting of rights of ways without a competitive
7 process.

8 **NOW THEREFORE BE IT RESOLVED**, that the Board of Commissioners hereby
9 approves the donation of approximately 4,063.66 square feet of County-owned real
10 property to the Georgia Department of Transportation, as more particularly described in
11 Exhibit "A" attached hereto, for the purpose of the constructing the GA 400 Express
12 Lane Project located in the city of Roswell, in the 1st District, 2nd Section Land Lots 536
13 and 537 of Fulton County, Georgia.

14 **BE IT FURTHER RESOLVED** that the Chairman of the Board of Commissioners
15 shall be authorized and directed to execute and deliver such appropriate right of way
16 deeds or other necessary documents to the Georgia Department of Transportation to
17 complete the donation of the Property.

18 **BE IT FURTHER RESOLVED** that, prior to execution of any documents by the
19 Chairman, the County Attorney shall approve any and all documents as to form and
20 make any necessary changes thereto to protect the County's interests.

21 **BE IT FINALLY RESOLVED**, that this Resolution shall become effective upon its
22 adoption and that all resolutions and parts of resolutions in conflict with this Resolution
23 are hereby repealed to the extent of such conflict.

1 **SO PASSED AND ADOPTED**, this ____ day of _____ 2023.

2
3 **ATTEST:**

BY:

4
5 _____
6 Tonya R. Grier
7 Clerk to the Commission
8
9
10

Robert L. Pitts, Chairman
Fulton County Board of Commissioners

11 **APPROVED AS TO FORM:**

12
13 _____
14 Name: Y. Soo Jo
15 Office of the County Attorney