

STATE OF GEORGIA

August 27, 2012

FULTON COUNTY

RESOLUTION TO ABANDON PORTION OF OLD ROSWELL ROAD

WHEREAS, the provisions of O.C.G.A. § 32-7-1 authorize a municipality, whenever it is deemed in the public interest, to abandon any public road that is under its jurisdiction; and

WHEREAS, O.C.G.A. § 32-7-4 sets forth the procedure for disposition of such property; and

WHEREAS, Mansell Partners is the owner of property on both sides of the terminated portion of Old Roswell Road that has been closed since Westside Parkway was constructed several years ago; and

WHEREAS, the City originally planned to use this area as a trail-head for a future trail system; and

WHEREAS, with the donation of the nearby Dotsie Garner Mills Park, the former roadway is no longer needed for this purpose; and

WHEREAS, the City accepted a Green Way Easement from Mansell Partners on April 23, 2012 but has not yet fulfilled the terms of that easement by taking the action to vacate or abandon the former right of way; and

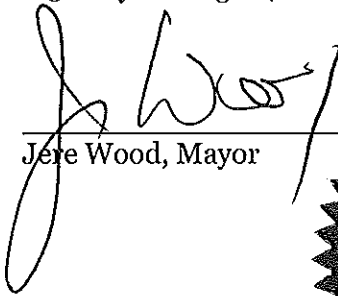
WHEREAS, the Permanent Easement is 125 feet wide along Foe Killer Creek consisting of 23,418 square feet from Mansell Partners, owners, subject to a successful vacation of 15,695 square feet of the 60 foot wide and approximately 272 foot long right of way of the former Old Roswell Road; and

WHEREAS, the Permanent Easement provides a significant link in the Foe Killer Creek Trail system. The Old Roswell Road intersection with Westside Parkway was relocated for traffic safety purposes approximately 227 feet east of its former alignment through a joint project with Alpharetta and the North Fulton Community Improvement District (NFCID). The remainder of the right of way serves the former Moksha's (Lick Skillet) Restaurant site; and

WHEREAS, the abandonment would enable Mansell Partners to consolidate its property formerly split by the road for more efficient development:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Roswell that the City of Roswell abandon any interest in and to the road/right of way described in the attached Exhibit "A" and that the Mayor is authorized to execute a quitclaim deed in favor of the owners of the abutting property or said owners' successors in title.

Approved by the Mayor and City Council this 13th day of August, 2012.



Jere Wood, Mayor

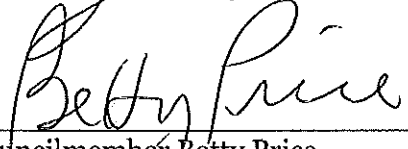



Attest:

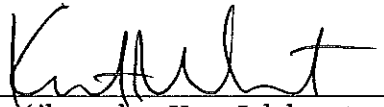

Marlee Press, City Clerk
(Seal)

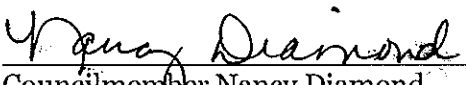

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Councilmember Betty Price


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Councilmember Kent Igleheart


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