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COUNTY DEPARTMENT AGENDA REQUEST

Department/Division: Commissioners

Department Head: Carol Chandler

Presenter, if needed: Scott Bennett, if needed

Preferred Meeting Date: Thursday, August 14, 2008

Wording for the Agenda:

Approval to release the County's possible interest in the property known as the "Old Stop Courthouse".

Background/History/Details:

The deed for this property contained a reversionary clause to the owner of the property should the property no longer be used as a courthouse. The county has not used the property as a courthouse or polling place for years. The property owner has requested the County execute the quit claim deed to ensure that there is no cloud on the title to this land. (The reversionary clause was in a deed that was recorded in 1889.) The owner will pay the County $100 for this release.

What action are you seeking from the Board of Commissioners?

Authorize the disposition of the property.

If this item requires funding, please describe:

N/A

Has this issue come before the Commissioners in the past? Yes

If so, when? Wednesday, September 5, 2007

Do you need audio-visual for the presentation? No

Back-up Material Submitted? Yes

STAFF USE ONLY

Approved by Finance? Yes

Reviewed by Legal? Yes

Approved by Purchasing? Yes

Approved by Administrative Staff? Yes

Staff Notes

Administrator's Approval Yes

Confirmed Meeting Date Thursday, August 14, 2008

- ○ Recognition/ Presentation
- ○ Public Hearing
- ○ Old Business
- ○ New Business
- ◉ Consent
- ○ Report
- ○ Other

New Business:

F. Discussion of Resolution 2007-20 authorizing the abandonment of any interest that Fayette County may have in a site on Handly Road known as the "Old Stop Courthouse". A copy of Resolution 2007-20, identified as "Attachment 19", follows these minutes and is made an official part hereof.

Chairman Smith announced Item F under New Business was the next item of business, read its introduction from the agenda, and asked Mr. Krakeel to explain the item.

Mr. Krakeel said the situation began over 100 years ago when a property owner provided the county a parcel of land for the use and construction of a structure to be used for a voting district. He said ten years ago, information regarding the parcel of property was researched, and it was determined the voting precinct was not built on the parcel of land deeded to the county, but on a separate piece of land very close in proximity to the original parcel of land. When the error was discovered, he explained, the county corrected the mistake by issuing a quit claim deed to the heirs of the estate for the unused piece of land. He said the current owners are now trying to develop their property in order to sell it, but the land directly underneath the voting precinct belongs to the county due to acquired property rights. He emphasized no other land belongs to the county except for the land directly underneath the voting precinct. He described the condition of the voting precinct as a concrete block structure with fallen-in walls, no roof, and trees growing out of it. He stated the way to legally correct the mistake was for the county to provide an appropriate conveyance by abandoning the section of property the concrete blocks are lying on back to the original property owners.

Chairman Smith added the county could have potential legal liabilities should someone visit the dilapidated building on county property and incur consequential damages.

Commissioner Pfeifer motioned to approve Resolution 2007-20 and was seconded by Commissioner Horgan. Commissioner Horgan asked if there was any cleanup cost associated with the abandonment the county would incur. Mr. Krakeel said the property owners indicated they would take care of any cleanup costs for removing the blocks. Chairman Smith asked for further discussion, heard none, and called for a vote on the motion.

The motion to approve Resolution 2007-20 passed with a unanimous vote.

"ATTACHMENT NO. 19"

STATE OF GEORGIA

COUNTY OF FAYETTE

RESOLUTION NO.: 2007 - 20

A RESOLUTION AUTHORIZING FAYETTE COUNTY TO ABANDON ANY INTEREST IT MAY HAVE IN AND TO A PARCEL OF LAND LOCATED ON HANDLEY ROAD WHEREUPON THE "OLD STOP GEORGIA COURTHOUSE" WAS CONSTRUCTED; TO DIRECT THE INTERIM COUNTY ATTORNEY TO CONDUCT THE NECESSARY TITLE RESEARCH, COMPLY WITH THE ABANDONMENT LAWS FOR COUNTY GOVERNMENTS, AND TO REVIEW THE CONVEYANCE DOCUMENT PRIOR TO ITS RECORDATION; TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE DEED OF CONVEYANCE TOGETHER WITH ANY OTHER DOCUMENT NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Fayette County may have acquired an interest in a parcel of land located on Handley Road whereupon the "Old Stop Georgia Courthouse" was constructed; and

WHEREAS, a request has been made by Hobgood Family LP to convey any interest the County may have in and to the subject property to further the development and/or use of the surrounding property; and

WHEREAS, the Board of Commissioners deems it in the best interest of the citizens of Fayette County, and County will best be served by formerly abandoning the subject property and thereafter convey the same to Hobgood Family LP for the stated purposes.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA AND IT IS HEREBY RESOLVED

The Board of Commissioners hereby authorizes the abandonment of a parcel of land located on Handley Road whereupon the "Old Stop Georgia Courthouse" was constructed, and thereafter convey the subject parcel to Hobgood Family LP. A copy of the plat showing the location of the subject property is attached hereto.

Further, the interim county attorney is hereby directed to conduct the necessary title research, comply with the abandonment laws for county governments, and to review the conveyance document prior to its recordation in the Deed Records of Fayette County.

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

SO RESOLVED, this the 5th day of September, 2007.

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY

By: _____
Jack R. Smith, Chairman

ATTEST:

_____
Karen Morley, Deputy Clerk