

A PUBLIC HEARING AND RESOLUTION BY THE BOARD OF COMMISSIONERS OF CARROLL COUNTY FINDING THAT A PORTION OF ROAD MEASURING 0.54 MILES MORE OR LESS LYING IN LAND LOT 151, 6TH DISTRICT OF CARROLL COUNTY HAS CEASED TO BE USED BY THE PUBLIC TO THE EXTENT THAT NO SUBSTANTIAL PUBLIC PURPOSES ARE SERVED; AUTHORIZING THE ABANDONMENT THEREOF; AUTHORIZING THE CHAIRMAN TO DISPOSE OF THE ABANDONED PROPERTY; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES

WHEREAS, O.C.G.A. § 36-5-22.1(a)(3) authorizes the governing authority to establish, alter or abolish roads, bridges and ferries within its jurisdiction in conformity to law, and O.C.G.A. § 32-7-1 authorizes the county to abandon public roads;

WHEREAS, a portion of Oak Shade Road, measuring 0.54 miles and lying in Land Lot 151, 6th District of Carroll County identified on Exhibit "A" attached hereto, is no longer used for any public purpose;

WHEREAS, said Oak Shade Road is a county road and not a part of the state highway system;

WHEREAS, the governing authority of Carroll County, by resolution adopted on May 3, 2022, indicated its willingness and desire to propose the abandonment of said portion of Oak Shade Road measuring 0.54 miles and being more particularly identified as "0.54 miles" on the drawing attached hereto as Exhibit "A" (the "Survey");

WHEREAS, written notice of the County's intent to abandon was sent to the property owners abutting the road being proposed for abandonment, copies of which is attached hereto as Exhibit "B";

WHEREAS, a notice of the abandonment of said portion of Oak Shade Road was published in the newspaper in which the sheriff's advertisements for the county are published once a week for a period of two weeks, and the publisher's affidavit for such notice is attached hereto as Exhibit "C";

WHEREAS, said portion of Oak Shade Road does not pass through any municipality; and

WHEREAS, a public hearing on the issue of the abandonment of said portion of Oak Shade Road was held on May 3, 2022 prior to consideration of this resolution.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Carroll County, Georgia, as follows:

Section 1. The Board of Commissioners hereby finds that the portion of Oak Shade Road, measuring 0.54 miles and lying in Land Lot 151, 6th District of Carroll County more particularly identified as “0.54 miles” on the Survey attached hereto as Exhibit “A” has ceased to be used by the public to the extent that no substantial public purposes are served by its retention.

Section 2. The Board of Commissioners hereby finds all applicable requirements set forth in O.C.G.A. § 32-7-1, *et seq.* have been satisfied.

Section 3. The Board of Commissioners hereby declares that the Property is officially abandoned, shall no longer be part of the county road system, and that the rights of the public in and to said public road shall cease.

Section 4. The Board of Commissioners hereby authorizes the Chairman, or in the Chairman’s absence the Vice-Chairman, to dispose of the abandoned Property pursuant to the procedures set forth in O.C.G.A. § 32-7-4, as amended.

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

This _____ day of June, 2022.

CARROLL COUNTY, GEORGIA

By: _____
Michelle Morgan, Chairman
Board of Commissioners

ATTEST:

Deputy Clerk

EXHIBIT "A"

DRAWING

[SEE ATTACHED]

Oak Shade Rd, Temple GA

City

Portion of Oak Shade owned by City of Temple

0.54 miles of Oak Shade to be abandoned

0.02 miles of Oak Shade Rd to remain open

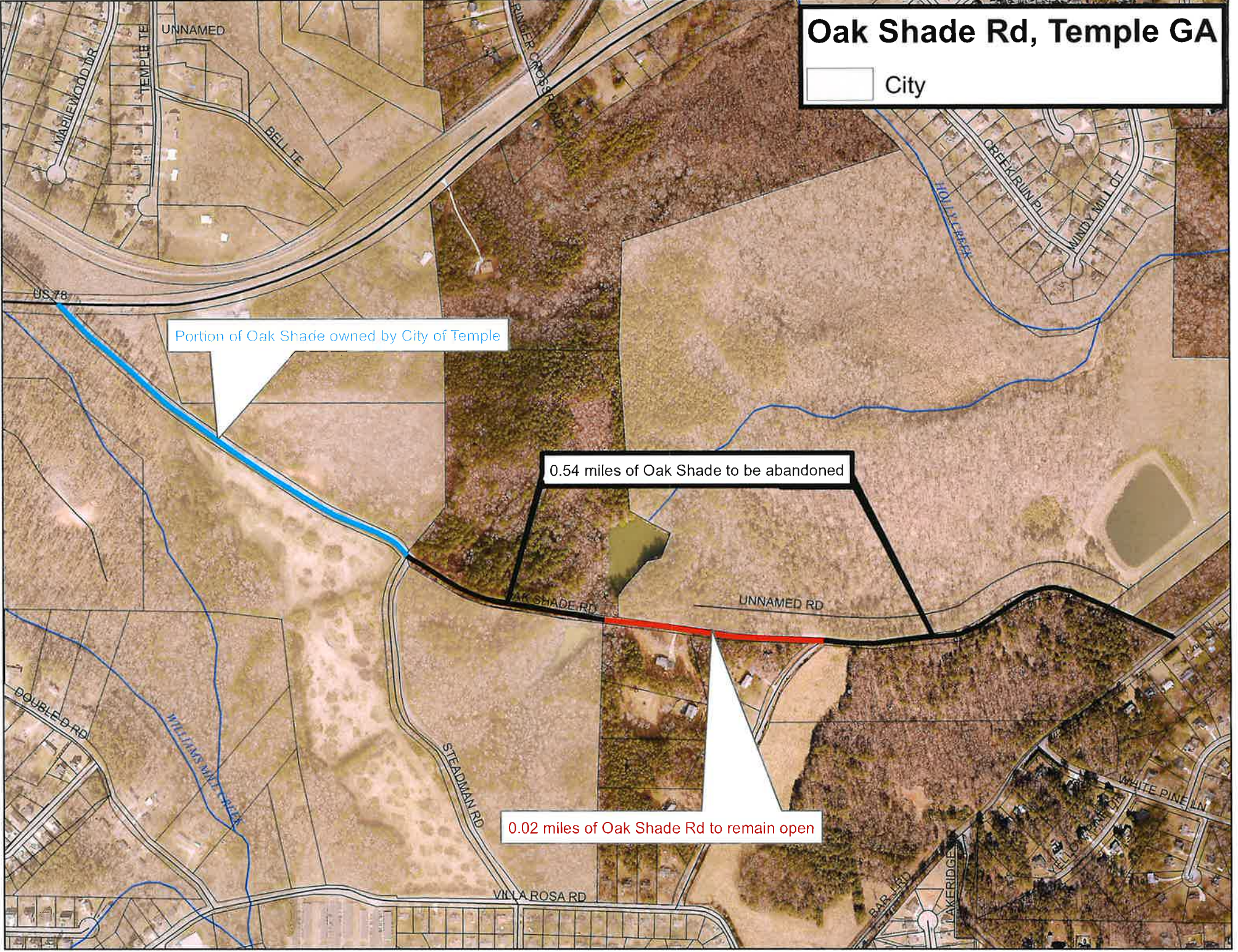


EXHIBIT "B"

Written Notice to
Adjoining Property Owners

[SEE ATTACHED]

LAW OFFICES
TISINGER VANCE, P.C.

100 WAGON YARD PLAZA
CARROLLTON, GEORGIA 30117

WWW.TISINGERVANCE.COM

DIRECT DIAL AND E-MAIL ADDRESS:

(770) 214-5107
(770) 830-0477 FAX
SBLACKMON@TISINGERVANCE.COM

TELEPHONE: (770) 834-4467
FAX: (770) 834-5426

ROBERT D. TISINGER
1909-1991

May 20, 2022

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Donna Marie Brown
c/o Ms. Brenda Harris
1040 Taylors Gin Road
Temple, Georgia 30179

Certified Article Number

SENDER'S RECORD 20

Re: Abandonment of a Portion of Old Shade Road, Land Lot 151, 6th District of Carroll County, Georgia

Dear Ms. Brown:

On May 3, 2022, the Carroll County Board of Commissioners voted to begin the process of abandoning that portion of Old Shade Road shown on the enclosed drawing identified as "0.54 Miles". An advertisement will be placed in the Times-Georgian newspaper to run on or about May 18, 2022 and May 25, 2022.

The information in the tax office shows that you are an adjacent property owner whom this decision affects. As such, you have a right to express an opinion as to the decision. We have received your signed consent supporting the proposed abandonment; however, if you wish to comment further on proposed abandonment, please write me, or, in the alternative, you may wish to attend the June 7, 2022 Board of Commissioner's meeting beginning at 6:00 p.m. where a final vote on the matter will occur. The meeting will take place at the Historic Court House, 323 Newnan Street, 3rd Floor, Carrollton, Georgia 30117.

Very truly yours,



Stacey L. Blackmon
Carroll County Attorney

SLB/mgz
Enclosure

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ROBERT D. TISINGER
1909-1991

May 20, 2022

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Erin L. Garcia
341 Oak Shade Road
Temple, Georgia 30179

Certified Article Number

SENDER'S RECORD 88

Re: Abandonment of a Portion of Old Shade Road, Land Lot 151, 6th District of Carroll County, Georgia

Dear Ms. Garcia:

On May 3, 2022, the Carroll County Board of Commissioners voted to begin the process of abandoning that portion of Old Shade Road shown on the enclosed drawing identified as "0.54 Miles". An advertisement will be placed in the Times-Georgian newspaper to run on or about May 18, 2022 and May 25, 2022.

The information in the tax office shows that you are an adjacent property owner whom this decision affects. As such, you have a right to express an opinion as to the decision. We have received your signed consent supporting the proposed abandonment; however, if you wish to comment further on proposed abandonment, please write me, or, in the alternative, you may wish to attend the June 7, 2022 Board of Commissioner's meeting beginning at 6:00 p.m. where a final vote on the matter will occur. The meeting will take place at the Historic Court House, 323 Newnan Street, 3rd Floor, Carrollton, Georgia 30117.

Very truly yours,



Stacey L. Blackmon
Carroll County Attorney

SLB/mgz
Enclosure

EXHIBIT "C"

Publisher's Affidavit

[SEE ATTACHED]

AFFP
ABANDON: OAK SHADE RD

Affidavit of Publication

STATE OF GEORGIA }
COUNTY OF CARROLL } SS

PUBLIC NOTICE TO
ABANDON PORTION OF ROADWAY

Rachael Raney, being duly sworn, says:

That she is publisher of the Times-Georgian, a newspaper of general circulation, printed and published in Carrollton, Carroll County, Georgia; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

May 18, 2022
May 25, 2022

By resolution adopted on May 3, 2022, the governing authority of Carroll County has indicated its willingness and desire to propose the abandonment of a portion of Oak Shade Road. The portion of the former roadway to be abandoned, lying in Land Lot 151, 6th District of Carroll County and measuring 0.56 miles, is hereby publicly announced and proposed to be abandoned. The proposal provides that this 0.56 mile of Oak Shade Road and right-of-way has ceased to be used by the public to the extent that no substantial public purpose is served by it, that the proposed abandonment of the portion of roadway will no longer be part of the county road system, and the rights of the public to the section of road as a public road will cease.

Notice is hereby given that the Carroll County Board of Commissioners will consider abandonment of said portions of roadway at a hearing to be held at its regularly scheduled meeting at 6 p.m. on the 7th day of June, 2022. Any person wishing to speak to the Board on this matter should appear at said hearing at the Historic Court House, 323 Newnan Street, 3rd Floor, Carrollton, Georgia 30117.

5/18 & 5/25

Publication Fees: \$ 72.00

That said newspaper was regularly issued and circulated on those dates.

SIGNED:

Subscribed to and sworn to me this 25th day of May 2022.



00007161 70370128 770.834.0360

TISINGER VANCE PC LAW FIRM
100 WAGON YARD PLAZA
CARROLLTON, GA 30117