

RESOLUTION 08-015

A RESOLUTION REQUESTING THE CLOSING OF COUNTY ROAD NO. 39 (Buccaneer Way)

STATE OF GEORGIA

COUNTY OF CLAY

WHEREAS, the Board of Commissioners of Clay County, Georgia, have reviewed a request to abandon a section of a county road described as follows:

A section of a county road, formerly known as County Road No. 39, beginning at its termination point at its southern intersection with County Road 40 and extending southerly along said right-of-way to its intersection with northern right-of-way margin of County Road No. 19. A copy of the county road to be abandoned is shown on the attached county road map.

WHEREAS, there being an adjoining land owner along said right-of-way to be abandoned and such land owner has expressed its consent to close said road; and

WHEREAS, the Board of Commissioners have determined that such section of the County Road Systems has for such reasons ceased to be used by the public to the extent that no substantial public purpose is served by maintaining said road;

WHEREAS, in the event of abandonment by the County, it shall cease to maintain, patrol or control the use of said County Road;

NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners of Clay County, Georgia does hereby certify its intention to abandon said right-of-way and to serve notice of such intent to the adjoining land owners and to hold a public hearing, as contemplated by O.C.G.A. § 32-7-2.

This day 4th day of March, 2008.

COUNTY OF CLAY, STATE OF GEORGIA

BY: [Signature] Yea Nay
Gerald Von Anderson III, Chairman

BY: [Signature] Yea Nay
Willie McCoy, Vice Chairman

BY: [Signature] Yea Nay
David Shivers

BY: _____ Yea Nay
Walt Killingsworth

BY: _____
Barry Waters

Yea

Nay

CLERK'S CERTIFICATE

I, the undersigned Clerk of the Board of Commissioners of Clay County, keeper of the records and seal thereof, hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Board of Commissioners of Clay County in public meeting assembled on March 4, 2008 the original of which resolution has been entered in the official records of said political subdivision under my supervision and is in my official possession, custody and control.

Veresa Smith
County Clerk

NOTICE OF INTENT TO ABANDON RIGHT-OF-WAY

WHEREAS, the Board of Commissioners of Clay County, Georgia, intends to abandon the right-of-way of a county road, pursuant to O.C.G.A. § 32-7-2; described as follows:

A section of a county road, known as County Road No. 39, beginning at its termination point and its southerly intersection with County Road No. 40 and extending southerly along said right-of-way to its intersection with County Road No. 19.

WHEREAS, the Board of Commissioners wish to proceed to abandon said right-of-way, pursuant to O.C.G.A. § 32-7-2 et sq., hereby notifies the owner of the abutting land of the Board's intent to so abandon said right of way; and

WHEREAS, the Board of Commissioners have determined that such section of the County Road Systems has for ceased to be used by the public to the extent that there are no substantial public purposes served by maintaining said road, and;

WHEREAS, the Board of Commissioners shall hold a public hearing on such issue beginning at 6:30 o'clock P.M., April 8, 2008 at the County Administration Building, Ft. Gaines, Georgia to receive comments from the public as to it intent to abandon said right of way.

NOW THEREFORE, the Board of Commissioners of Clay County, Georgia, hereby serves notice of its intent to abandon said right-of-way in conforming with O.C.G.A. § 32-7-2.

This _____ day of March, 2008.

**BOARD OF COMMISSIONERS OF
CLAY COUNTY, GEORGIA**

BY:  _____
Chairman

ATTESTED TO: _____
Clerk

VIA TELEFAX:(229) 732-6016

TRANSMITTAL MEMO

DATE: March 4, 2008
TO: CUTHBERT SOUTHERN TRIBUNE
RE: CLAY COUNTY, GEORGIA

Please publish the enclosed Notice in the next 2 editions of the Cuthbert Southern Tribune. Please copy me with your publisher's affidavit and bill this office for the cost of said publications.

I appreciate your assistance. If you have any questions, please do not hesitate to contact me.

Enclosure
xc: Clay County Board of Commissioners

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED
RECEIPT NO. 7006 2150 0005 7737 9555**

February 29, 2008

Mr. Bobby Brooks
Rt. 2 Box 173
Edison, GA 39846

**RE: ABANDONMENT OF RIGHT-OF-WAY
COUNTY ROAD NO. 19**

Dear Bobby:

Enclosed herewith you will find the Resolution, as well as, a Notice of Intent to Abandon the County Road, as described therein. This Notice is given to you as an adjoining landowner of the county road pursuant to O.C.G.A. § 32-7-2(b) (1).

Should you have any questions, please do not hesitate to contact me at your earliest convenience.

Sincerely,

William H. Mills

WHM/
xc: Board of Commissioners
FCM

clayco\abandonrightofway.countyrd39.propowner

EASEMENT

FOR AND IN CONSIDERATION of the sum of one dollar (\$1.00) in hand paid, and other good and valuable consideration, the undersigned hereby grants unto D. ROBERT CAMPBELL, hereinafter referred to as grantee, an exclusive easement for the purpose and uses hereinafter set forth, over, through, and across the following lands, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE APART HEREOF BY REFERENCE

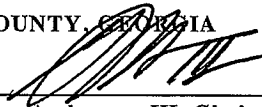
This easement is granted as appurtenant thereto to permit ingress and egress on to such property of the grantor, ONLY. The grantee shall not erect or make any improvements to easement granted herein for the stated purposes.

This easement shall terminate on the 364th day from its inception, unless terminate sooner herein. In the event the grantee should abandon or discontinue its use for said purposes, this easement shall terminate. Further the grantor may give the grantee a thirty (30) day notice to terminate. In either event, grantee shall restore same to its original condition, normal wear and tear excepted.

This easement herein granted shall bind the heirs and assigns of the undersigned party, and shall inure to the benefit of the successors in title and assigns of the grantee.

WITNESS, the hand and seal of the undersigned, this ____ day of _____, 2008

CLAY COUNTY, GEORGIA



Gerald Von Anderson, III, Chairman

ATTESTED BY: _____
Teresa Smith, Clerk

SEAL

Signed, sealed and delivered on the
____ day of _____,
2008, in the presence of:

COMMON WITNESS

NOTARY PUBLIC
My commission expires: