

**RESOLUTION
RES 2026-19**

A RESOLUTION TO DECLARE AND CERTIFY ABANDONED CERTAIN PORTIONS OF MUNICIPAL STREETS WITHIN THE DOWNTOWN AREA; TO REMOVE SUCH PORTIONS FROM THE MUNICIPAL STREET SYSTEM; TO AUTHORIZE THE DISPOSITION OF THE UNDERLYING REAL PROPERTY PURSUANT TO O.C.G.A. § 32-7-4; TO RESERVE UTILITY AND OTHER EASEMENTS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Dallas, Georgia (the "City") is authorized under O.C.G.A. § 32-7-1 and § 32-7-2 to substitute for, relocate, or abandon public roads and streets in its municipal street system, following the procedures set forth in Chapter 7 of Title 32;

WHEREAS, the Mayor and Council desire to facilitate the planning, construction, and completion of a downtown "Town Green" project, including associated mixed-use redevelopment, within approximately four city blocks in the downtown area (the "Project Area");

WHEREAS, portions of certain existing municipal streets located within the Project Area, as more particularly described and depicted on the plat/sketch attached hereto as **Exhibit "A"** and incorporated herein by reference (collectively, the "Street Segments"), will no longer be needed for public road purposes upon implementation of the Project circulation plan and will be built over as part of the Project;

WHEREAS, after review and recommendation by City staff, including the City Engineer and Public Safety officials, the Mayor and Council find that, upon completion of the Project circulation improvements, the Street Segments will have ceased to be used by the public to the extent that no substantial public purpose is served by maintaining them as part of the municipal street system, or that their removal from the municipal street system is otherwise in the best public interest;

WHEREAS, notice of the proposed abandonment of the Street Segments has been provided to the owners of property located on such Street Segments in accordance with O.C.G.A. § 32-7-2(c);

WHEREAS, the City desires to condition the abandonment and removal of the Street Segments from the municipal street system upon the closing and delivery of a deed conveying the Property to a developer or its designee in connection with the Town Green project, so as to align the abandonment with the actual redevelopment and to avoid any gap in title or procedural timing;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Dallas, Georgia, and it is hereby resolved as follows:

1. Certification of No Substantial Public Purpose.

The Mayor and Council hereby certify, in accordance with O.C.G.A. § 32-7-2(c), that upon implementation of the Project circulation plan, no substantial public purpose will be served by maintaining the Street Segments as a part of the City's municipal street system,

and that it is in the best public interest that the Street Segments be abandoned as public roads.

2. Declaration of Abandonment; Conditional Effective Date.

The Street Segments described and depicted on **Exhibit "A"** are hereby declared and certified abandoned as part of the municipal street system of the City of Dallas, Georgia, effective automatically upon the closing and delivery of a deed or deeds conveying the Property to a developer or its permitted assigns in connection with the Town Green project (the "Trigger Event"). From and after the Trigger Event, the Street Segments shall no longer be part of the City's municipal street system, and the rights of the public in and to the Street Segments as public roads shall cease, subject to the reservations set forth in this Resolution.

3. Outside Termination Date.

If the Trigger Event has not occurred on or before September 30, 2026 (the "Termination Date"), this abandonment authorization shall automatically expire and be of no further force or effect unless extended by further action of the Mayor and Council. The City Attorney or City Manager shall provide written notice to the Mayor and Council if the Trigger Event does not occur by the Termination Date.

4. Reservation of Easements.

The City expressly reserves and retains, over, under, across, and through all or portions of the Street Segments, permanent easements for existing and future public utilities, drainage, and, if applicable, pedestrian or emergency access, all as more particularly shown on Exhibit "A" or in separate easement instruments approved by the City.

5. Disposition of Underlying Property.

The Mayor and Council hereby determine that the real property underlying the Street Segments, subject to the easement reservations described herein, is no longer needed for public road purposes and may be disposed of pursuant to O.C.G.A. §§ 32-7-3 and 32-7-4. The Mayor and City Manager are authorized to take all actions necessary or appropriate to dispose of such property, including, without limitation:

(a) Conveyance by quitclaim or limited warranty deed to the Downtown Development Authority of the City of Dallas, Georgia pursuant to an intergovernmental agreement; and/or

(b) Conveyance by quitclaim or limited warranty deed directly to a private developer in accordance with any applicable development agreement, intergovernmental agreement, or redevelopment plan approved by the City;

provided, however, that all such conveyances shall be subject to the easements reserved herein and shall be approved by subsequent resolution of the Mayor and Council as required by O.C.G.A. § 32-7-4.

6. Recording; Street System Update Upon Trigger.

The City Clerk is directed to record this Resolution and **Exhibit "A"** in the official minutes of the City and, at the direction of the City Attorney, in the real estate records of the Superior Court of Paulding County, Georgia. Upon receipt of written certification from the City Attorney or City Manager that the Trigger Event has occurred (which certification shall identify the date of closing and shall reference the recorded deed conveying the Property), the City Clerk shall update the official municipal street system inventory to reflect the removal of the Street Segments from the street system as of the date of the Trigger Event.

7. Development Agreement Reference.

The Mayor and Council acknowledge that the abandonment authorized herein is contemplated in connection with a development agreement or related instruments for the Town Green project between the City of Dallas and/or the Downtown Development Authority of the City of Dallas and a private developer, in form and content approved by the Mayor and Council, and that any conveyance of the underlying property shall be in substantial conformity with such approved agreements.

8. Severability.

If any section, subsection, sentence, clause, or phrase of this Resolution is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution.

9. Effective Date.

This Resolution shall take effect immediately upon its adoption. The abandonment of the Street Segments shall be effective upon the Trigger Event as set forth in Section 2 above.

RESOLVED this _____ day of _____, 2026.

L. James Kelly, Mayor

James Henson, Councilmember

Christopher B. Carter, Councilmember

Nancy R. Arnold, Councilmember

Leah Alls, Councilmember

Cooper Cochran, Councilmember

Candace Callaway, Councilmember

Attest: _____
Tina Clark, City Clerk