



CITY COUNCIL AGENDA ITEM

SUBJECT: Abandonment of Lyons Road

AGENDA SECTION: *(check all that apply)*

PRESENTATION PUBLIC HEARING CONSENT AGENDA OLD BUSINESS
 NEW BUSINESS OTHER, PLEASE STATE:

CATEGORY: *(check all that apply)*

ORDINANCE RESOLUTION CONTRACT POLICY STATUS REPORT
 OTHER, PLEASE STATE:

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s):

Current Work Session:

Current Council Meeting: Monday, November 22, 2021

SUBMITTED BY: CITY ATTORNEY'S OFFICE

PRESENTER: [Click or tap here to enter text.](#)

PURPOSE: To hold a public hearing to receive public input on and consider whether a portion of Lyons Road should be abandoned and removed from the municipal road system because it has for any reason ceased to be used by the public to the extent that no substantial public purpose is served by it or that its removal from the municipal road system is otherwise in the best interest of the the public.

FACTS: On September 9, 2021, Battle Law submitted a request for abandonment on behalf of her client, D.R. Horton, Inc., which is developing Phase 4 of the Flat Rock Hills Subdivision. The request asks the City of Stonecrest to abandon a portion of Lyons Road. The specific portion of Lyons Road for which abandonment is being considered is that portion beginning north of said road's intersection with Evans Mill Road and ending approximately 400 feet south of said road's intersection with Browns Mill Road (GA Hwy 212). See supporting documentation for plat and further description of the road.

Under Georgia Law (O.C.G.A. § 32-7-2(c)), when it is determined that a section of the municipal street system has for any reason ceased to be used by the public to the extent that no substantial public purpose is served by it or



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that its removal from the municipal street system is otherwise in the best public interest, the municipality, by certification recorded in its minutes, accompanied by a plat or sketch, and after notice to property owners located thereon, may declare that section of the municipal street system abandoned. Thereafter, that section of road shall no longer be a part of the municipal street system and the rights of the public in and to that section of street as a public road shall cease. The property may be disposed of by the municipality as provided in O.C.G.A. § 32-7-4.

If the road is abandoned by the City, D.R. Horton will have a right of acquisition under O.C.G.A. § 32-7-4(a) as the abutting property owner. They have agreed to pay the fair market value of the portion of Lyons Road to be abandoned as determined by an appraisal, which will be performed by an appraiser of the City's selection. Upon approval of the resolution and upon receipt of payment from D.R. Horton, in the amount of the appraised fair market value of the property, the City Attorney will prepare a Quitclaim Deed and other appropriate documents to effectuate the abandonment authorized by resolution.

OPTIONS: Approve, Deny, Defer

RECOMMENDED ACTION: After public hearing and consideration of the abandonment request, if the City Council finds that the subject portion of Lyons Road has (1) for any reason ceased to be used by the public to the extent that no substantial public purpose is served by it; OR (2) its removal from the municipal road system is otherwise in the best interest of the public, then the City Council should adopt Resolution No. 2021-___, which will certify such findings and abandon/remove the subject portion of Lyons Road from the municipal road system.

ATTACHMENTS:

- (1) Attachment 1 - Abandonment Request
- (2) Attachment 2 - Resolution No. 2021-_____