

LOWNDES COUNTY BOARD OF COMMISSIONERS
COMMISSION AGENDA ITEM

SUBJECT: Conveyance of County Property in exchange for County Road
Right of Way- Fender Road

Work Session

DATE OF MEETING: December 8, 2020

BUDGET IMPACT:

FUNDING SOURCE:

() Annual

() Capital

(X) N/A

() SPLOST

() TSPLOST

COUNTY ACTION REQUESTED ON: Conveyance of County Property in exchange for County Road Right-A-Way

HISTORY, FACTS AND ISSUES: The County owns the approximate 0.48 acres of land described on Exhibit A to the attached proposed Ordinance ("Parcel A"). The purpose for which the County acquired the property of which Parcel A is a part has become and is not viable. The County has no other need or use for Parcel A.

OCGA § 36-9-3(h) provides notwithstanding any provision of OCGA § 36-9-3 or any other law, ordinance, or resolution to the contrary, a county governing authority is authorized to convey parcels of land so small as to be incapable of being used independently as zoned to abutting property owners where such conveyances facilitate the enjoyment of the highest and best use of the abutting property owner's property without first submitting the sale or conveyance to the process of an auction or the solicitation of sealed bids, provided each abutting property owner shall be notified of the availability of the property and shall have the opportunity to purchase the property under such terms and conditions as set out by ordinance.

Parcel A is so small as to be incapable of being used independently as zoned. William Q. Touchton, Jr. ("Touchton") owns the only property abutting Parcel A. The conveyance of Parcel A to Touchton will facilitate the enjoyment of the highest and best use of Touchton's abutting property.

The County may therefore convey Parcel A to Touchton without first submitting the conveyance to the process of auction or the solicitation of sealed bids provided Touchton is notified of the availability of Parcel A and shall have the opportunity to purchase Parcel A under such terms and conditions as set out by ordinance.

The County has laid out the right-of-way for a county road known as Fender Road between Williams School Road and Whitewater Road for which the County requires 0.74 acres of property of Touchton described on Exhibit B to the attached proposed Ordinance ("Parcel B").

Touchton has proposed the County convey Parcel A to Touchton in exchange for Touchton's conveyance of