

4362 Peachtree Road • Brookhaven, Georgia 30319 • (404) 637-0500 • Fax (404) 637-0501 • www.brookhavenga.gov

Right-of-Way Abandonment Application

Pursuant to Section 14-352, *Abandonment of existing public streets*, of the Code of the City of Brookhaven, the City Council may hear right-of-way abandonment requests when documentation has been received that:

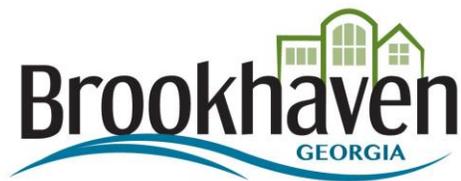
- (1) Contains all of the evidence and documents required by this article and has been reviewed by community development department;
- (2) Is supported by an analysis by public works department that shows that the street is no longer used by the public to the extent that it serves no substantial public purpose and that the public at large will benefit from its closure since the public will no longer be responsible for any costs to maintain and repair the street; and
- (3) Is supported by an analysis by the community development department that shows that the abandonment of the street shall not negatively impact adjacent neighboring communities and the public at large.

Deferral of a petition or failure to provide a recommendation by the community development department shall not prevent the governing authority from taking any and all appropriate action with respect to the petition identified in this section.

Application Checklist

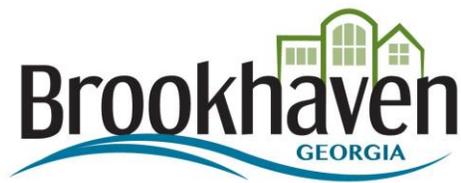
(Incomplete applications will not be accepted)

- Completed Application (with all relevant information to your case).
- Appraisal indicating fair market value of property to be abandoned.
- Site Plan/Survey of the subject property in accordance with the attached site plan checklist.
- Signed and notarized affidavits of all abutting landowners to the public street containing evidence that each seeks to have the street abandoned. See attached. Use separate sheets as needed.
- The petition shall contain evidence that once abandoned pursuant to the requirements of state law, all property owners that abut the street agree that ownership of the street shall be placed in a property owners' association. The petition shall include evidence that 100 percent of all property owners in the property owners' association have agreed that the street at issue may become private and have agreed to maintain and exercise control over the private street as required by this article.
- The petition shall contain evidence that the property owners' association has the financial ability to maintain the street and associated improvements in perpetuity.
- The petition shall include evidence that the declaration of covenants and articles of association or other legal instruments creating the property owners' association provide or have been amended to provide that membership in the property owners' association shall be mandatory for each original and successive purchaser of a lot, building or unit on the street.
- The petition shall include evidence that the property owners' association shall be organized so that it has absolute legal authority to maintain and exercise control over the private streets and required improvements associated with private streets, including, but not limited to, sidewalks, bikeways, curbs and gutters, traffic signs and markings, associated landscaping and lighting, entry signs, monuments, perimeter walls and fences, entry gates and gatehouses.



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- The petition shall include evidence that the declaration of covenants creating the property owners' association shall be recorded with the clerk of the superior court of the county and the recorded declaration of covenants and articles of incorporation creating the property owners' association shall provide that all private streets and associated improvements are owned by the property owners' association or are held in common by the property owners within the development. Said streets shall be properly maintained and insured with no liability or maintenance responsibilities accruing to the city.
- The petition shall include evidence that the declaration of covenants and articles of association shall provide for a maintenance fund, the proceeds of which shall be used solely for the purpose of regular maintenance of the streets, whether for resurfacing or similar purpose. For the purposes of further providing further assurances that city funds shall not be used for maintenance of private streets, the property owners' association shall submit proof of a maintenance fund equal to 50 percent of the current estimate of resurfacing costs, as determined by the community development director or designee, in an interest bearing account on behalf of the property owners' association.
- The petition shall include evidence that the property owners have a maintenance bond renewable annually in an amount equal to 50 percent of the current estimate of resurfacing costs, as determined by the community development director or designee.
- The petition shall include evidence that the property owners' association is empowered to levy assessments against owners on the streets for the payment of expenditures made by the association for maintenance of the private streets and improvements associated with private streets, including, but not limited to, sidewalks, bikeways, curbs and gutters, traffic signs and markings, associated landscaping and lighting, entry signs, monuments, perimeter walls and fences, entry gates and gatehouses and evidence that any unpaid assessments shall constitute a lien in favor of the property owners' association on the lot, building, or unit of the owner. At least 15 percent of all fees or assessments paid shall be set aside in the maintenance fund.
- Documentation indicating transfer of utility easements located within or adjacent to property to be abandoned.
- Signed Campaign Disclosure Statement.
- Written legal description which includes a narrative of the metes and bounds of the property.
- Relevant Site Photos.

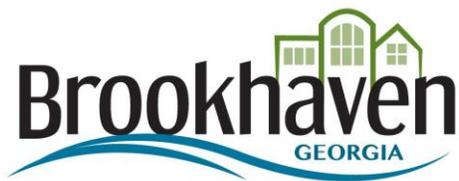


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Site Plan/Survey Requirements

All applicable items must be included on the Site Plan; separate sheets may be used.

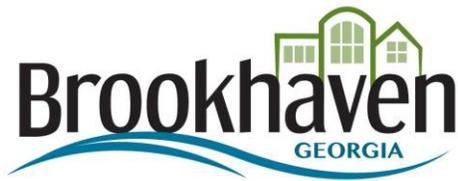
- Key and/or legend and site location map with North arrow.
- Boundary survey of property to be abandoned which includes dimensions along property lines that match the metes and bounds of the property's written legal description and clearly indicates the point of beginning.
- Boundary of all abutting properties with landowner names indicated.
- Acreage of property to be abandoned.
- Location of land lot lines and identification of land lots.
- Existing rights-of-way of all streets, roads, and railroads adjacent to the property to be abandoned.
- Current zoning (and case number) of the adjoining properties.
- Existing buildings' locations and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvement on adjacent properties within 200 feet of the property to be abandoned.
- Topography on the subject site and adjacent property up to 200 feet as required to assess runoff effects.
- Location of overhead and underground electrical and pipeline transmission/conveyance lines.
- 100-year flood plain horizontal limits and flood zone designations as shown on survey or FEMA FIRM maps.
- Lakes, streams, wetlands, and Waters of the State and associated buffers.
- Existing stormwater management facilities.
- Community wastewater facilities including areas reserved for septic drain fields and points of access.
- Location of water system and sanitary sewer system.



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Right-of-Way Abandonment Application

Right-of-Way Information	Name of Right-of-Way:	
	Right-of-Way Address/Location:	
	Land Lot:	District:
	Description of Abandonment Request:	
Applicant	Name:	
	Address:	
	Phone:	Fax:
	Cell:	Email:
Representative	Name:	
	Address:	
	Phone:	Fax:
	Cell:	Email:
Affidavit	<p><i>To the best of my knowledge, this application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Brookhaven. I understand that failure to supply all required information (per the relevant Code of the City of Brookhaven) will result in the rejection of this application. I have read the provisions of the Georgia Code Section 36-67A-3 as required regarding Campaign Disclosures. My Signed Campaign Disclosure Statement is included with the Application.</i></p>	
	Applicant's Name:	
	Applicant's Signature:	Date:
Notary	Sworn to and subscribed before me this Day of 20	
	Notary Public:	
	Signature:	
	Date:	



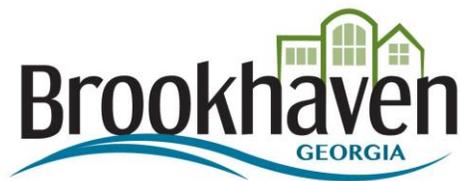
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Property Owner(s) Notarized Certification

(attach additional sheets as needed)

By completing this form, all owners of property abutting the right-of-way to be abandoned certify authorization of the filing of the application and authorization of the applicant and/or agent to act on their behalf in the filing of the application including all subsequent application amendments.

Property Owner	Abutting Property Address:		
	Owner Name:		
	Owner Address:	City, State:	Zip:
	Owner Phone:		
	Signature:		Date:
	Sworn to and subscribed before me this _____ day of _____, 20_____		
	Notary Public:		
Property Owner	Abutting Property Address:		
	Owner Name:		
	Owner Address:	City, State:	Zip:
	Owner Phone:		
	Signature:		Date:
	Sworn to and subscribed before me this _____ day of _____, 20_____		
	Notary Public:		
Property Owner	Abutting Property Address:		
	Owner Name:		
	Owner Address:	City, State:	Zip:
	Owner Phone:		
	Signature:		Date:
	Sworn to and subscribed before me this _____ day of _____, 20_____		
	Notary Public:		



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Campaign Disclosure Ordinance

Campaign Disclosure Ordinance

Please read the law and complete the Campaign Disclosure Statement on the following page if you are requesting a Rezoning, Concurrent Variance, or Conditional Use.

GA Citation/Title

GA Code 36-67A-3, Disclosure of campaign contributions

*38069 Code, 36-67A-3

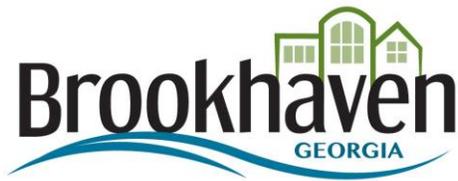
CODE OF GEORGIA TITLE 36. LOCAL GOVERNMENT PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS (Current through 2000 General Assembly)

36-67A-3 Disclosure of campaign contributions.

- a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:
 - 1) The name and official position of the local government official to whom the campaign contribution was made; and
 - 2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.
- c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority respective local government showing:
 - 1) The name and official position of the local government official to whom the campaign contribution was made; and
 - 2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government of any of its agencies on the rezoning application.

(Code 1981, 36-67A-3, enacted by Ga. L. 1986, p. 1269, 1; Ga. L. 1991, p. 1365, 1; Ga. L. 1993, p. 91, 36.)

Official Code of Georgia Annotated Copyright 1982 – 2000 State of Georgia.



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Campaign Disclosure Statement

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Brookhaven City Council?

YES NO

Applicant / Owner	Signature:
	Address:
	Date:

If the answer above is yes, please complete the following section:

Date	Government Official	Official Position	Description	Amount