

**DEKALB COUNTY**ITEM NO. **BOARD OF COMMISSIONERS****HEARING TYPE**

Preliminary

**BUSINESS AGENDA / MINUTES****MEETING DATE:** November 9, 2004**ACTION TYPE**

Resolution

**SUBJECT:** Proposed Acceptance of Donation of Property Located at the Rear of 934 Willivee Dr. for a Multi-Use Trail (A Portion of Tax Parcel 18-102-02-006) Commission District 2 & 6

**DEPARTMENT:** Commissioners / CEO**PUBLIC HEARING:** NO**ATTACHMENT:** YES**INFORMATION CONTACT:** Susan Hood**PAGES:** **PHONE NUMBER:** 404-371-2270**PURPOSE:**

To consider adopting the attached resolution accepting the donation, with conditions, by Mr. Danh Van Ho of real property identified as a portion of tax parcel 18-102-02-006 at the rear of 934 Willivee Dr., consisting of approximately .22 acres, and having a tax value of approximately \$ 10,000.

**NEED/IMPACT:**

This property is being donated by Mr. Danh Van Ho for creation of a multi-use trail. All due diligence has been completed. This is part of a project authorized by Board of Commissioners on August 5, 2003 to acquire 5 tracts funded through District 2 Park Bond funds in the amount of \$560,000. Conditions of the donation are 1) the deed will state that the County permanently restricts the use of the property as public greenspace, that it be accessible to the public at no charge in reference to the Georgia Recreational Property Act; that, except for the trail, the property will be retained forever in a natural state and will not be used in a manner that will impair the current attributes of the property; 2) the deed will state that if the trail is not fully constructed within 5 years of the date of conveyance the property will revert back to the Grantor or Grantor's assigns; and that the Grantor may waive the right to such reverter. (Attached letter from Mr. Danh Van Ho dated May 10, 2004 details the conditions.)

**RECOMMENDATION(S):**

1. Adopt the attached resolution accepting the donation, with conditions, by Mr. Danh Van Ho of real property identified above.
2. Authorize the Chief Executive Officer to execute all necessary documents to acquire the easement and to accept the donation.

**FOR USE BY COMMISSION OFFICE/CLERK ONLY**

**ACTION: D3**

MOTION was made by Commissioner Ellis, seconded by Commissioner Yates, and passed 7-0-0-0, to (1) adopt the attached resolution accepting the donation, with conditions, by Mr. Danh Van Ho of real property identified above (2) authorize the Chief Executive Officer to execute all necessary documents to acquire the easement and to accept the donation.

NOV 09 2004

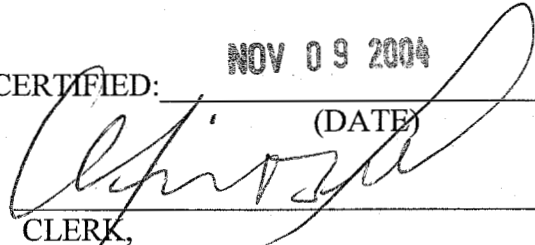
ADOPTED: \_\_\_\_\_  
(DATE)

  
PRESIDING OFFICER

DEKALB COUNTY BOARD OF COMMISSIONERS

NOV 09 2004

CERTIFIED: \_\_\_\_\_  
(DATE)

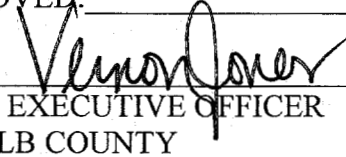
  
CLERK,

DEKALB COUNTY BOARD  
OF COMMISSIONERS

**FOR USE BY CHIEF EXECUTIVE OFFICER ONLY**

NOV 15 2004

APPROVED: \_\_\_\_\_

  
CHIEF EXECUTIVE OFFICER  
DEKALB COUNTY

VETOED: \_\_\_\_\_

CHIEF EXECUTIVE OFFICER  
DEKALB COUNTY

VETO STATEMENT ATTACHED: \_\_\_\_\_

**MINUTES:**

	FOR	AGAINST	ABSTAIN	ABSENT
DISTRICT 1 - ELAINE BOYER	X			
DISTRICT 2 - GALE WALLDORFF	X			
DISTRICT 3 - LARRY JOHNSON	X			
DISTRICT 4 - BURRELL ELLIS	X			
DISTRICT 5 - HANK JOHNSON	X			
DISTRICT 6 - JUDY YATES	X			
DISTRICT 7 - CONNIE STOKES	X			

**RESOLUTION**

**A RESOLUTION BY THE BOARD OF COMMISSIONERS OF DEKALB COUNTY, GEORGIA, TO ACCEPT THE DONATION OF PROPERTY LOCATED AT THE REAR OF 934 WILLIVEE DRIVE FOR A MULTI-USE TRAIL, KNOWN AS AN EXTENSION OF THE MASON MILL TRAIL, (A (PORTION OF PARCEL ID 18-102-02-006) AND FOR OTHER PURPOSES**

**WHEREAS**, O.C.G.A § 36-37-1 permits DeKalb County to accept gifts of land and real property for the development, improvement and maintenance of such property in behalf of and for the benefit of the public;

**WHEREAS**, in consideration of civic pride and responsibility, Mr. Danh Van Ho, has made a gift in fee simple, with conditions, to DeKalb County;

**WHEREAS**, the donated property is described as tax parcel 18-102-02-006, a total of .22 acres of real property located at the rear of 934 Willivee Drive; and

**WHEREAS**, DeKalb County, by and through its Board of Commissioner, is empowered to accept this property in behalf of and for the benefit of the public;

**NOW THEREFORE, BE IT RESOLVED**, that the Board of Commissioners:

1. Accepts the donation, with conditions, by Mr. Danh Van Ho of real property identified as a portion of tax parcel 18-102-02-006 at the rear of 934 Willivee Dr., consisting of approximately .22 acres; and
2. Agrees to the conditions of the donation as detailed in the attached letter from Mr. Danh Ho to Commissioner Gale Walldorff dated May 10, 2004 relating to use and reversion of the donation; and
3. Authorizes the Chief Executive Officer to execute all necessary documents to acquire and accept the donation.

**ADOPTED**, by the DeKalb County Board of Commissioners, this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

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**BURRELL ELLIS**  
Presiding Officer  
Board of Commissioners  
DeKalb County, Georgia

**APPROVED**, by the Chief Executive Officer this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

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**VERNON JONES**  
Chief Executive Officer  
DeKalb County, Georgia

**ATTEST:**

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Michael J. Bell  
Ex Officio Clerk of the  
Chief Executive Officer and  
Board of Commissioners of  
DeKalb County, Georgia

**APPROVED AS TO SUBSTANCE:**

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Assistant County Administrator

**APPROVED AS TO FORM:**

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County Attorney Signature

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County Attorney Name (Typed or Printed)