

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLUE RIDGE

It appearing that a portion of the street and public way designated as a portion of land between 1082 East Main Street and 1112 East Main Street, and more specifically described in the certification of abandonment attached hereto has ceased to be used by the public to the extent that no substantial purpose is served by same and that abandoning said street and public way would be for the benefit of and in the best interest of the public;

BE IT RESOLVED, that a portion of said street and public way designated as a portion of land between 1082 East Main Street and 1112 East Main Street (as more particularly described within the Certificate of Abandonment), be abandoned as a public street and public way, and the attached certification of abandonment of a portion of said street and public way designated as a portion of Church Street, be, and the same is hereby adopted.

This _____ day of _____, 2019.

Mayor

Attest:

City Clerk, Kelsey Ledford

CERTIFICATION OF ABANDONMENT
CITY COUNCIL OF BLUE RIDGE, GEORGIA

WHEREAS, the City Council of Blue Ridge, Georgia having been requested to abandon a certain street and public way described as a portion of land between 1082 East Main Street and 1112 East Main Street, and lying and being upon and between property owned by Richard and Yvonne McNeeley and Nancy Elliot, being more particularly shown on the attached exhibit and depicted as “ROW” which is incorporated into this certification by reference thereof;

WHEREAS, abandonment of the above-described street will not require the expenditure of federal or state funds; and

WHEREAS, the petitioners, Richard and Yvonne McNeeley and Nancy Elliot, are the property owners adjoining said unopened street; and

WHEREAS, the subject street has never been formally accepted, opened, or maintained as a street of the municipality of the City of Blue Ridge, Georgia and/or has never been maintained at current road standards and requirements; and

WHEREAS, there being no ascertainable record that the City of Blue Ridge did not acquire the subject street by purchase, no compensation having ever been paid; and

WHEREAS, said street having ceased to be used by the public to the extent that no substantial purpose is served by same as a public street and that abandoning

said street and public way would be for the benefit of and in the best interest of the public;

NOW, THEREFORE, it is hereby declared that:

(1) Said street and public way designated as a portion of land between 1082 East Main Street and 1112 East Main Street, as depicted in the attached Exhibit is abandoned by the City of Blue Ridge, Georgia, and that this shall certify that said street and public way is no longer a part of the municipal street system of Blue Ridge, Georgia, and further that the rights of the public in and to said street have ceased.

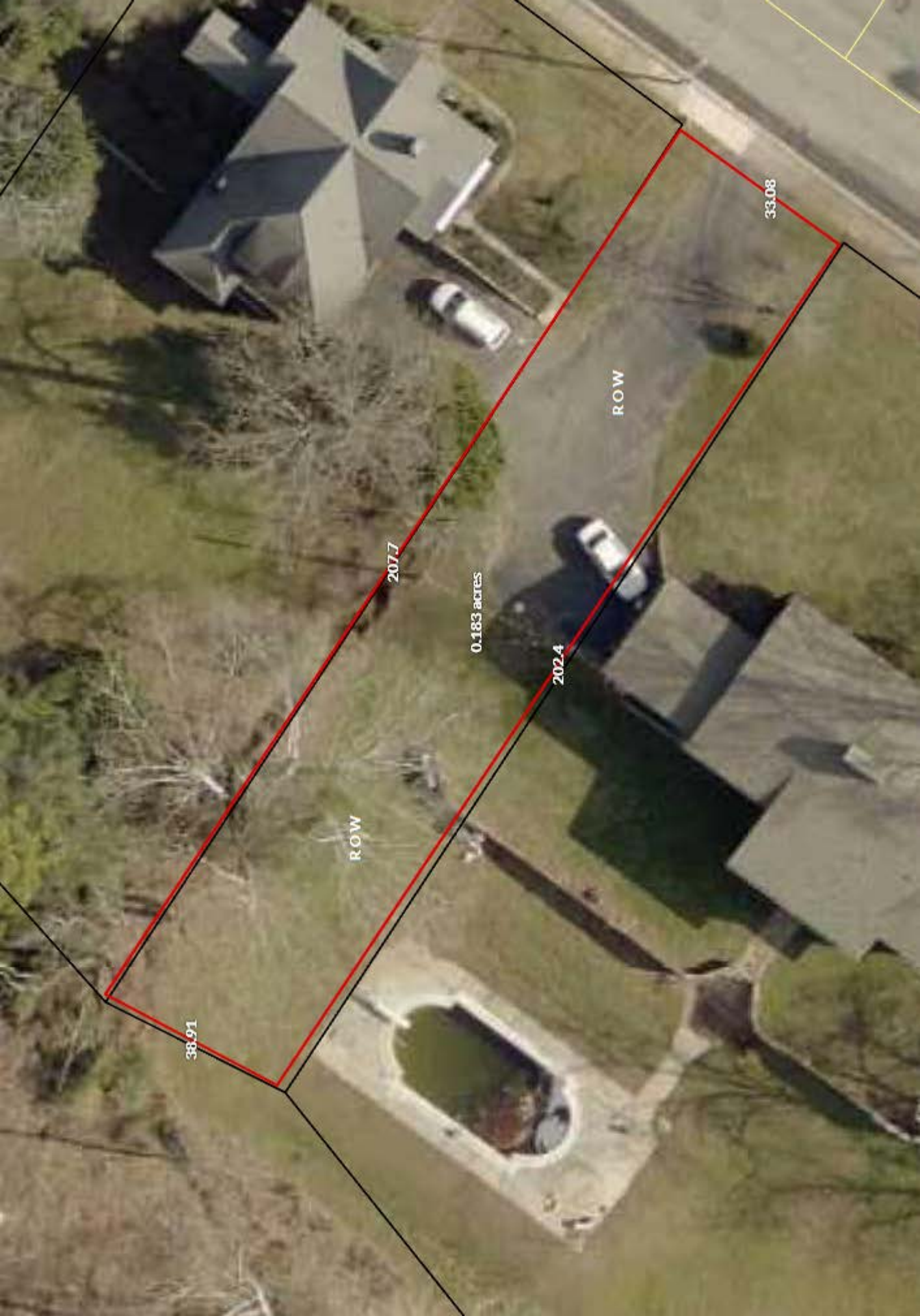
(2) The Mayor may dispose of the tract of land herein abandoned to the abutting owners, Richard and Yvonne McNeeley and Nancy Elliot, and is hereby authorized to execute quit claim deeds for the subject property to the abutting land owner on behalf of the City of Blue Ridge, Georgia in a form acceptable to the City Attorney.

This _____ day of _____, 2019.

Mayor

Attest:

City Clerk, Kelsey Ledford



38.91

ROW

207.7

0.183 acres

202.4

ROW

33.08

STATE OF GEORGIA
COUNTY OF FANNIN

**AFFIDAVIT TO ACCOMPANY ABANDONMENT OF RIGHT-OF-WAY
PURSUANT TO O.C.G.A. § 32-7-2(b)(1) AND/OR BLUE RIDGE CITY
CHARTER SECTION 6.32(b)**

COMES NOW, Nancy M. Elliot, Richard A. McNelley and Yvonne L. McNelley (*applicant name*), hereinafter known as “Applicant”, and makes the following affidavit in application to the City of Blue Ridge, Georgia. All facts contained herein are made under oath, to the best of knowledge and belief, notarized and the Applicant, having been duly sworn under oath, states as follows:

1.

Applicant is the owner of the property set forth in the attached vesting deed (*attach current deed*). Applicant is the sole owner of all property which touches the proposed right-of-way or road sought to be abandoned or Applicant has notified all adjoining property owners by certified mail of this petition and has attached proof of mailing (*attach certified mail receipts or other waiver of service by adjoining property owners*) upon the following additional property owners: (*identify property owners by name and address*). Affiants, Nancy M. Elliot, Richard A. McNelley and Yvonne L. McNelley are the sole adjacent property owners as to the tract of land located between their two properties. The property of Elliot is located on the north of the requested tract and the property of McNelley is located on the south. The right of way for the railroad is located on the west and on the east by East Main Street a City of Blue Ridge street.

2.

Applicant is requesting that any claim held by the City of Blue Ridge, Georgia relating to the following road and/or right-of-way, strip of land located between 1082 East Main St and 1112 East Main Street Blue Ridge, Ga 30513, (*describe road or right-of-way location here*), as shown on the attached survey, and Applicant is requesting any interest be Quit Claimed and/or abandoned for the following reasons (*describe in detail why the road and/or right-of-way is serving no substantial public purpose and/or any current use of said road or right-of-way and describe why it would be in the best public interest to grant this petition.*

Attach additional pages if necessary): Affiants, Nancy M. Elliot, Richard A.

McNelley and Yvonne L. McNelley are the sole adjacent property owners as to the tract of land located between their two properties. The property of Elliot is located on the north of the requested tract and the property of McNelley is located on the south. The right of way for the railroad is located on the west and on the east by East Main Street a City of Blue Ridge street.

3.

In the event the right-of-way is abandoned by City of Blue Ridge, Georgia, such abandonment will not adversely affect any party in the immediate surrounding area and Applicant states under oath that Applicant knows of no party who would be left landlocked or in a hardship condition in the event that said right-of-way is abandoned by City of Blue Ridge, Georgia.

4.

(Describe the history of the right-of-way and/or road) Since at least 1962, the strip

of land located between the property now owned by Nancy M. Elliot, which is the adjacent property owner to the north and the property now owned by Richard A. McNelley and Yvonne L. McNelley has only been used as a driveway for these two properties and for

no other reason or purpose. The strip commences on East First Street and end at the railroad right of way. It does not nor has it ever crossed the railroad. The driveway

is 116 feet on East First Street; 220 feet on the northern side; 116 feet along the railroad right of way and 220 feet on the southern side.

5.

(Describe the physical condition of the right-of-way as of the date of this

application): Since at least 1962, the strip of land has served as a driveway between the two properties. It is currently paved and is utilized by the Affiants for accessing their respective homes.

6.

Applicant hereby agrees to hold City of Blue Ridge, Georgia, harmless from any and all responsibility, liability or damage of any type whatsoever regarding the

abandonment of the City's interest in the road and right-of-way known as: Driveway for 1082 East Main St and 1112 East Main St (*right-of-way and/or road name or location*). It is understood by the Applicant that Applicant is not entitled to any abandonment by City of Blue Ridge of any claim to right-of-way of Driveway for 1082 East Main St and 1112 East Main St (*right-of-way and/or road name or location*) as an absolute matter of right, but only upon the terms and conditions approved by the City of Blue Ridge City Council. The City Council may elect to take any action it deems appropriate on this Application and the final decision will be made by the City of Blue Ridge City Council.

7.

Applicant agrees to record on the records of the Court of Fanning County Superior Court, Fannin County, Georgia, the original Quit Claim Deed and appropriate boundary survey submitted with this application within forty-eight (48) hours following the granting of this application and execution of the deeds by the Mayor.

8.

In the event the abandonment is granted, Applicant consents to the fact that thereafter the City shall not be required to reinstall, construct, or otherwise expend City funds to improve the subject abandoned right-of-way.

9.

Applicant shows that, if the abandonment is granted, Applicant's proposed use of the captioned property after the abandonment is as follows (*describe proposed use in detail*): Driveway for the properties located at 1082 East Main Street and 1112 East Main Street, Blue Ridge, GA 30513

10.

In the event of abandonment of the subject claim to right-of-way or other interest, and if applicable, City of Blue Ridge specifically retains any and all easements for purposes other than those quit-claimed which may exist over, under, through, or across the subject right-of-way. Any release of private easement rights or easement rights other than those of City of Blue Ridge, i.e. utility companies, must be released by that easement holder.

11.

Applicant shall submit with this document a fee of fifty dollars (\$50.00) for the processing of this application, and has attached a copy of the owner's vesting

deed, the survey of the proposed abandonment, a completed boundary survey, a legal description and the development plans for the Site. (*attach documents*).

12.

Applicant agrees that a material misrepresentation or inaccuracy, either intentional or accidental, made by Applicant in this application of procedure shall authorize the City to terminate the processing of this Application or, if such shall be discovered after this Application has been approved by the City of Blue Ridge City Council, then such approval shall be subject to revocation by the City Council.

This the 9 day of Sept, 2019.

Signed, sealed and delivered in the Presence of:

Michelle B. Walker

Notary Public

Michelle B. Walker
NOTARY PUBLIC
Union County
State of Georgia
My Comm. Expires November 28, 2021

Applicant: Nancy M. Elliott
~~Yvonne M. Kelley~~
Signature

Print Name: Nancy M. Elliot

Address: 1082 East Main Street
Blue Ridge, GA 30513

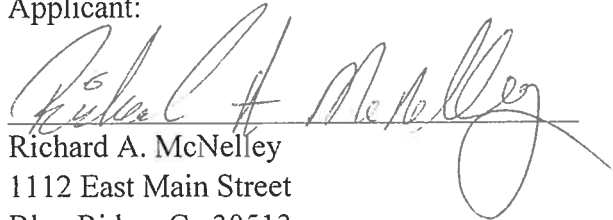
Phone Number: _____

Applicant Representative

Lynn Dillard Doss


Lynn Dillard Doss

Applicant:



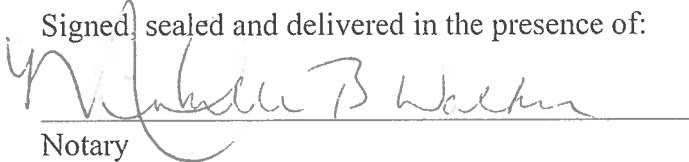
Richard A. McNelley
1112 East Main Street
Blue Ridge, Ga 30513
706 632 2768

Applicant:




Yvonne L. McNelley
1112 East Main Street
Blue Ridge, Ga 30513
706 632 2768

Signed, sealed and delivered in the presence of:


Notary

Michelle B. Walker
NOTARY PUBLIC
Union County
State of Georgia
My Comm. Expires November 28, 2021

Representative of Applicants Nancy M. Elliot, Richard A. McNelley and Yvonne L. McNelley.



Lynn Dillard Doss
Attorney at Law
710 West First Street
Blue Ridge, Georgia 30513
State Bar No. 001040
706 632 2083

Section 6.32(b) Statement

Under the Blue Ridge City Charter Section 6.32(b), the Blue Ridge City Council may Quit Claim any rights it may have in property not needed for public purposes upon request by the Mayor and the adoption of a Resolution, both finding that the property is not needed for public or other purposes and that the interest of the City has no readily ascertainable monetary value.

Please list all facts you contend support your contention that the City of Blue Ridge no longer needs the right-of-way or road for public purposes and that any interest the City currently holds has no readily ascertainable monetary value.

Attach additional sheets if needed.

1082 East Main Street is owned by Mrs. Nancy McClure Elliott. Nancy Elliot has owned the property since 1962 having obtained it via deed recorded on July 10, 1962 in the Office of the Clerk, Fannin County records.

1112 East Main Street is owned by Richard A. McNelley and Yvonne L. McNelley. Richard and Yvonne McNelley have owned the property since Octoebr 1986, via deed recorded in Deed Book 117, page 724

The City owns a strip of land located between the two properties. The City's strip of land commences on East First Street and extends west towards the right of way for the railroad. The City's strip of land terminates at the railroad right of way. The strip of land has only been used as the drive way for the two tracts of land.

The strip of land is of no benefit to any third party. Quitclaiming the strip to Elliot and McNelley will releave the City of any liability for maintenance or in the event of injury. Quitclaiming the strip will allow the property to be placed on the tax digest.

724

003621

Fannin County, Georgia

WARRANTY DEED (For Life with Remainder to Survivor)

(Box 1234-2) Rev. 1977

Fee \$175.00 - 10-36
Clerk Superior Court

State of Georgia, FANNIN County

THIS INDENTURE, Made this 3rd day of October in the Year of Our Lord One Thousand Nine Hundred and Eighty-Six between

of the State of Georgia W. W. Hemphill, of the first part, and
and County of Fannin
Richard Allen McNeley and wife, Yvonne Ledford McNeley,
of the State of Georgia and County of Fannin of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS, ~~XXXXXX~~ in hand paid, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents do as grant, bargain, sell and convey unto the said parties of the second part, for and during their joint lives, and, upon the death of either of them, then to the survivor of them, in fee simple, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor, the following described property:

All that tract or parcel of land lying and being in the 8th District and 2nd Section of Fannin County, Georgia, and being a part of Land Lot No. 298, and being in the City of Blue Ridge, Georgia, and being more particularly described as follows:

Beginning at an iron pin set in concrete marking the intersection of the west side of East Main Street and the south side of Chastain Street, (undeveloped), said point being the northeast corner of the property, herein described, which point of beginning is North 59° 18' West a distance of 1,490.2 feet from the southeast corner of Land Lot No. 298; thence with the south side of Chastain Street North 53° 52' West a distance of 200.17 feet to an iron pin set on the right-of-way line of the L & N Railroad; thence with said right-of-way line South 52° 18' West a distance of 156.18 feet to a Chestnut Tree; thence South 53° 52' East a distance of 262.33 feet to an iron rail set on the west side of East Main Street; thence with the west side of East Main Street North 36° 38' East a distance of 150.0 feet to the point of beginning, and containing 0.83 acre of land, more or less.

Bounded on the North by Chastain Street, on the West by L & N Railroad property, on the South by Erskin Millsaps property, and on the East by East Main Street.

There is located on the above described property, one, (1), twelve, (12), room, brick, redwood, and crab orchard stone house.

A survey and plat dated the 5th day of August, 1964, of the above described property was made by J. Lamar Sisson, Civil Engineer. The aforesaid plat is recorded in Plat Book 3, Page 115, in the Office of the Clerk of the Superior Court for Fannin County, Georgia. The aforesaid recorded plat is hereby made a part of this deed by reference thereto for a more complete description of the above described property.

The above described property is the same property that was conveyed to W. W. Hemphill by warranty deed dated the 23rd day of June, 1984, from Wesley J. Harris and wife, Robin H. Harris, said deed being recorded in Deed Book 94, Pages 240-241, in the Office of the Clerk of the Superior Court for Fannin County, Georgia.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said parties of the second part, for and during their joint lives, and upon the death of either of them, then to the survivor of them in fee simple, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor.

AND THE SAID party of the first part, for his heirs, executors and administrators, will warrant and forever defend the right and title to the above described property, unto the said parties of the second part, as heretofore provided, against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal, the day and year above written.

Signed, sealed and delivered in presence of:

[Signature]
Notary Public
My Comm. Expires 12/31/97

[Signature]
W. W. Hemphill
Fannin County, Georgia
Filed for Record...
at... o'clock P.M. Recorded...

[Signature] Clerk



Nancy m. Elliott copy of Deed

STATE OF GEORGIA,
COUNTY OF FANNIN,

THIS INDENTURE, Made and entered into on this the 6th day of July, in the year of Our Lord One Thousand Nine Hundred Sixty Two, between John Brownlow Elliott, Jr. of the State of Georgia, County of Fannin, of the First part, and John Brownlow Elliott, Jr. and his wife, Mrs. Nancy McClure Elliott, both of the state of Georgia, County of Fannin, of the second part, the said parties of the second part being husband and wife,
WITNESSETH: That the party of the first part, for and in consideration of the love and affection which he has for his said wife, Mrs. Nancy McClure Elliott, and also in consideration of the sum of One Dollars (\$1.00) cash in hand paid, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold, and conveyed, and by these presents does grant, bargain, sell and convey unto the said parties of the second part, for and during their joint lives, and upon the death of either of them, then to the survivor of them in fee simple, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor, the following described lands, to wit:

All that tract or parcel of land situate, lying and being in Fannin County, Georgia, and being part of lot of Land No. 298, in the 8th District and 2nd Section of said County, and in the City of Blue Ridge, as described in a deed from T. P. Jenkins, Sheriff, to Allison S. Prince; said property being in Block No. 15, in said City of Blue Ridge, and described as follows; Bounded on the East by East Main Street; on the North by J. M. Eaton property; on the West by Louisville and Nashville Railroad right of way; and on the South by Chastain Street, and being all of the property known as the E. W. Butt property, and being city Lots Nos. 8 and 9, in Block No. 15. And being the same property described in Warranty Deed dated March 31, 1951, John T. Wall to Reid Mull, which is recorded in Book 22, page 238, Clerks Office, Superior Court, Fannin County, Georgia.

TO HAVE AND TO HOLD the said described lands, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or anywise appertaining, to the only proper use, benefit and behoof of the said parties of the second part, for and during their joint lives and upon the death of either of them, then to the survivor of them in fee simple, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor.

AND THE SAID PARTY of the first part, for himself, and his heirs, executors and administrators, will warrant and forever defend the right and title to the above described property, unto the said parties of the second part, as hereinabove provided, against the claims of all persons whomsoever.

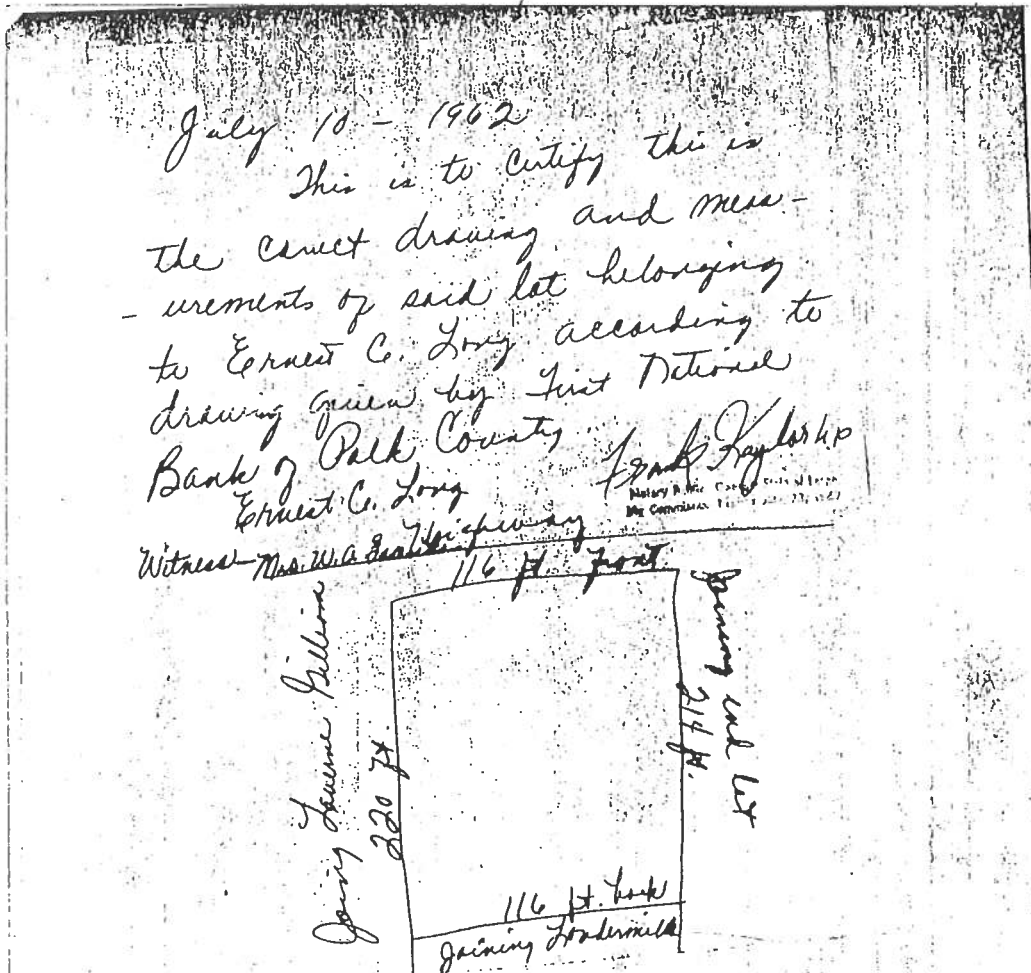
IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal on the day and year first above written.

John Brownlow Elliott, Jr. (SEAL)

Signed, sealed and delivered
in the presence of:
Herman J. Spence, NP(SEAL) &
Notary Public, Georgia, State at Large,

Recorded this the 9th day of July, 1962.

Ed Bruce
CLERK



R. I. D. J. 10, 1962

After recording, please return to:
DOSS & ASSOCIATES
ATTORNEYS AT LAW, LLC
P.O. BOX 1277
BLUE RIDGE, GA 30513

DOCUMENT SERVICE ONLY

.....*Space above intended for recording purposes only*.....

QUIT-CLAIM DEED

STATE OF GEORGIA,
COUNTY OF FANNIN

THIS INDENTURE, made on _____ 2019, between The City of Blue Ridge, Georgia, of the first part, and NANCY M. ELIOTT, RICHARD A. McNELLEY and YVONNE L. McNELLEY, of the second part,

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of Ten and No/100 DOLLARS, in hand paid, the receipt whereof is acknowledged, have bargained, sold, and by these presents does remise, convey and forever QUIT-CLAIM to the said party of the second part, their heirs and assigns any and all interest:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING in Land Lot No. 298 of the 8th District and 2nd Section of Fannin County, Georgia and being in the City of Blue Ridge and being more particularly described as follows:

Beginning at a point that is located North 59° 18' West a distance of 1,490.2 feet from the southwest corner of Land Lot No. 298 and from said point of beginning North 53° 52' West a distance of 200.17 feet to an iron pin set on the right of way line of the former L & N Railroad; thence with said right of way 52° 18 East, a distance of 116 feet to the property line of property now owned by Nancy M. Elliot (and formerly owned by Reid Mull); thence along and with the property of Elliot, a distance of 214 feet to the right of way of East First Street in the City of Blue Ridge, a distance of 116 feet to the point of beginning. Said tract being an unopened portion of what was formerly designated as Chastain Street in said City.

Said tract is bounded on the South by property of Richard A. and Yvonne L. McNelley; on the west by the right of way of the L & N Railroad (or its successors in title and interest); on the north by property of Nancy M. Elliot and on the East by East First Street.

TO HAVE AND TO HOLD the said described premises to the said party of the second part, so that neither the said party of the first part nor its successors, administrators, or assigns, nor any other person or persons claiming under it shall at any time, by any means or

ways, have, claim or demand any right or title to the aforesaid described premises or appurtenances, or any rights thereof.

IN WITNESS WHEREOF, the said party of the first part has hereunto set their hand and seal, the day and year first above written.

City of Blue Ridge, Georgia

_____(SEAL)

Attest:

_____(SEAL)

Signed, sealed and delivered
in the presence of:

Witness

Notary Public
My commission expires: