

**A RESOLUTION AUTHORIZING THE ACQUISITION OF BROOK RUN PARK FROM
DEKALB COUNTY**

- WHEREAS:** DeKalb County has owned and operated certain public park land and fire station facilities and properties currently within the boundaries of the City of Dunwoody; and
- WHEREAS:** House Bill 203 of the 2010 Legislative Session, codified as O.C.G.A. §36-31-11.1, as adopted by the Georgia Legislature and signed by the Governor, authorizes the City of Dunwoody, at its election, to purchase park property and fire stations, as defined by HB 203, from DeKalb County at a price of \$100 per acre for parks and \$5,000 for each fire station; and
- WHEREAS:** pursuant to HB 203, the City of Dunwoody desires and elects to purchase Brook Run Park (102.88 acres), Tax Parcel ID 18 354 01 005, 4770 North Peachtree Road, Dunwoody, Georgia, from DeKalb County; and
- WHEREAS:** HB 203 requires the City to transmit to DeKalb County written notice of at least thirty (30) days specifying the parks and/or fire stations to be purchased and the dates the City will acquire ownership of the parks and/or fire stations; and
- WHEREAS:** O.C.G.A. § 36-80-18, the City, prior to acquisition of any property intended for park or recreational use, must conduct a phase 1 environmental assessment to examine the property for contaminants, hidden methane gas, and similar hazards which would be dangerous to public use of such property and receives a report regarding any discovered dangers.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council for the City of Dunwoody as follows:

- Section 1:** The City Council hereby authorizes the City Manager and City Staff to acquire, pursuant to HB 203, Brook Run Park, Tax Parcel ID 18 354 01 005, from DeKalb County, Georgia, subject to the successful completion of a Phase I Environmental Study pursuant to O.C.G.A. § 36-80-18.
- Section 2:** The City Manager is hereby directed to transmit to DeKalb County the 30-day written notice of intent to acquire Brook Run Park.
- Section 3:** The City Manager and City Attorney are hereby authorized to execute all necessary documents and take all necessary actions under law for the acquisition of Brook Run Park from DeKalb County.

SO RESOLVED AND EFFECTIVE, this 17th day of May, 2010.

Approved:

Ken Wright, Mayor

Attest:

Sharon Lowery, City Clerk (Seal)