

A RESOLUTION

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF GRIFFIN, GEORGIA, SUPPLEMENTING THAT CERTAIN RESOLUTION, ENACTED SEPTEMBER 9, 2014, AUTHORIZING THE ACQUISITION OF INTERESTS IN LAND TO BE USED AS RIGHT OF WAY (FEE SIMPLE), PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS FOR GEORGIA DEPARTMENT OF TRANSPORTATION, FEDERAL AID PROJECT NO. CSSTP-0008-00 (237), CITY OF GRIFFIN INTERSECTION IMPROVEMENTS, PHASE I, AND GEORGIA DEPARTMENT OF TRANSPORTATION, FEDERAL AID PROJECT NO. CSSTP-0008-00 (238), CITY OF GRIFFIN INTERSECTION IMPROVEMENTS, PHASE II; ESTABLISHING AN INITIAL OFFER OF “JUST COMPENSATION” TO BE OFFERED AFFECTED OWNERS; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE WITH THE PROPERTY OWNERS FOR THE REQUIRED ACQUISITION; AND FOR OTHER PURPOSES.

BE IT RESOLVED by the Board of Commissioners of said City, as follows:

1. This Board finds and concludes the City Manager has duly and faithfully carried out this Board’s directive, pursuant to said Resolution of September 9, 2014, to negotiate and acquire required interests in land from the affected owners thereof and hereby ratifies and approves the attached contracts (Group A) setting forth the acquisition cost, the interest acquired, and any terms and conditions thereof for Project No. 237. Said Board further finds that all required land interests have been acquired and said Project is ready to proceed.
2. This Board finds and concludes that the City Manager and his designees have duly and faithfully carried out this Board’s directive, pursuant to said Resolution of September 9, 2014, to negotiate and acquire required interests in land from the affected owners thereof and hereby ratifies and approves the attached contracts (Group B) setting forth the acquisition costs, the interest acquired, and any terms and conditions thereof for Project No. 238, with exception of Project Parcel 2, a perpetual easement owned of record by June Jones, who after diligent inquiry could not be located, and Project Parcel 7, a right of way acquisition owned by MACC’J Rental Properties, LLC, whose unpaid ad valorem taxes exceed the estimated amount of just compensation for the acquisition.
3. This Board, finds a sufficient public purpose exists and that the lands previously identified as Parcel 2 and 7 of Project No. 238 are necessary to construct the Project, as designed, hereby concludes permanent easements should be acquired on, over and across said Parcel 2 and Parcel 7, and right of way (fee simple) of 1,495.49 sq. ft. must be acquired from Parcel 7, upon payment of “just compensation” to those persons and entities entitled thereto,

as was set out in said Resolution of September 9, 2014. Proceedings in rem, using the method and procedures set forth in O.C.G.A. Section 32-3-1, *et seq.*, shall be commenced promptly to acquire said right of way and permanent easements from the owners and interested persons and entities having or making a claim against said real properties. The City Attorney is hereby directed to promptly prepare and file the necessary proceedings in the Superior Court of Spalding County, Georgia, and to pay all filing and service costs from Project funds. The City Manager is hereby authorized and directed to pay into the registry of the Clerk, Superior Court of Spalding County, Georgia, from Project funds the sums representing "just compensation", based upon independent fee appraisals. Resolved further, that authority is hereby granted to the City Manager, City Attorney, and their respective staff, to do any and all things necessary, desirable or convenient to accomplish the acquisition of said properties.

4. That the attached Contracts (Group C) for acquisition of the remainders of Project No. 237, Parcels 4 and 5 be ratified and approved, setting forth the acquisition costs, the interest acquired, and any terms and conditions thereof; PROVIDED, HOWEVER, that no portion of the cost for these acquisitions shall be paid from Project funds but shall be paid solely from other unencumbered general funds of the City of Griffin. These properties are acquired for use in furtherance of the City's longrange plan to landscape and beautify the corridor of the City from its Historic Downtown to the UGA Griffin Campus, which this Board finds and declares is vital to its economic development efforts.

SO RESOLVED, this 24th day of February, 2015.

AGREEMENT TO PURCHASE REAL ESTATE

GA DOT Project # CSSTP 0008-00(237)

P. I. Number 0008237 Parcel # 1

Tax Parcel ID # 011 05002

GEORGIA, SPALDING COUNTY

For and in consideration of the sum of One Dollar (\$1.00), receipt whereof being acknowledged, the undersigned grants to The CITY OF GRIFFIN an option to acquire the following described real estate:

Right of Way and/or Easement rights through that tract or parcel of land located in Land Lot 144 of the 2nd District, of Spalding County, Georgia, and being more particularly described on Exhibit "A" attached hereto and made a part hereof by reference.

For the sum of \$15,650.00, the undersigned agrees to execute and deliver to The City of Griffin fee simple title and easements to the lands owned by the undersigned as reflected on the attached Exhibit "A".

* * * * *

The following conditions are imposed upon the grant of this option:


- 1) This option shall extend for 90 days from this date.
- 2) The consideration recited is full payment for the rights conveyed.

7,398.19	Square Feet on Acres of Right of Way
N/A	Linear Feet of Limited Access
4,349.22	Square Feet of Construction and Maintenance Easement
Yes	Square Feet of Construction Easement (Driveway)
- 3) All Temporary Easements will terminate upon completion and acceptance of the same by The City of Griffin and The Georgia Department of Transportation.
- 4) The undersigned shall obtain all quit claim deeds or releases from any tenant now in possession and any other parties having a claim or interest in the property described above.
- 5) Special Provisions, if any, are listed on Exhibit "B", which is attached hereto and incorporated herein by reference. *SEE ATTACHED EXHIBIT - B.*

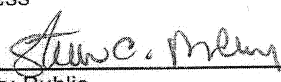
Witness my hand and seal this 8th day of December, 2014.

Signed, Sealed and Delivered
in the presence of:

Second Baptist Church of Griffin, Inc.

By:  (Seal)
John W. Whitworth

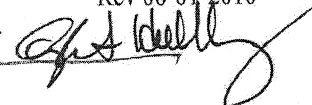
Witness


Notary Public

My Commission Expires 9-19-2016

DOT 663-A-LG
Rev 08-01-2010

APPROVED

01/25/15 

GROUP A

Exhibit "B"

Parcel 1 Project CSSTP-0008-00(237) Spalding

- 1. The City of Griffin agrees to change the permanent construction easement to a temporary construction easement.**

[illegible]

AGREEMENT TO PURCHASE REAL ESTATE

GA DOT Project # CSSTP 0008-00(237)

P. I. Number 0008237 Parcel # 2

Tax Parcel ID # 011 04001 & 1A

GEORGIA, SPALDING COUNTY

For and in consideration of the sum of One Dollar (\$1.00), receipt whereof being acknowledged, the undersigned grants to The CITY OF GRIFFIN an option to acquire the following described real estate:

Right of Way and/or Easement rights through that tract or parcel of land located in Land Lot 144 of the 2nd District of Spalding County, Georgia, and being more particularly described on Exhibit "A" attached hereto and made a part hereof by reference.

SEE ITEM 6 (P)
For the sum of ~~\$15,521.00~~, the undersigned agrees to execute and deliver to THE CITY OF GRIFFIN fee simple title and easements to the lands owned by the undersigned as reflected on the attached Exhibit "A".

* * * * *

The following conditions are imposed upon the grant of this option:

- 1) This option shall extend for 90 days from this date.
- 2) The consideration recited is full payment for the rights conveyed.

2,234.83	Square Feet on Acres of Right of Way
N/A	Linear Feet of Limited Access
3,300.07	Square Feet of Construction and Maintenance Easement
1,246.35	Square Feet of Construction Easement (Demolition)
- 3) All Temporary Easements will terminate upon completion and acceptance of the same by the City of Griffin and The Department of Transportation.
- 4) The undersigned shall obtain all quit claim deeds or releases from any tenant now in possession and any other Parties having a claim
- 5) Special Provisions, if any, are listed on Exhibit "B", which is attached hereto and incorporated herein by reference. *SEE ATTACHED G.M. 13.7*
- 6) Other Provisions, Grantor may execute fee simple title to The City of Griffin to the above referenced right of way and an additional 5,675.88 square feet of land owned by the undersigned adjacent to and abutting on the above numbered highway project for the total consideration of ~~\$46,000.00~~, which includes payment for the above referenced right of way requirements, other rights and conditions described herein and additional lands. The additional land is the remainder shown on the attached plat.

\$ 36,850.00 (C)

APPROVED *[Signature]* DATE 01/20/15