

## **A RESOLUTION**

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF GRIFFIN, GEORGIA, PROVIDING DIRECTION TO THE CITY MANAGER IN THE ACQUISITION OF LAND NEEDED FOR THE NORTH SIXTH STREET REALIGNMENT PROJECT; AUTHORIZING AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS; AND FOR OTHER PURPOSES.

**WHEREAS**, pursuant to that certain Resolution, enacted July 8, 2014, this Board authorized the City Manager, or his designee, to acquire certain real properties; said lands were found to be needed to construct that certain public works project to realign N. Sixth Street and eliminate its present intersection with North Hill Street, based upon plans prepared by Falcon Design Consultants, LLC. Initial offers were made to each affected property owner, based upon appraisals, dated February 19, 2014, by Kenneth A. Fletcher, Georgia Certified General Appraiser #596.

**WHEREAS**, said Resolution authorized the City Manager or his designee to promptly initiate negotiations; provided, however, the City Manager was directed that if he could not negotiate acquisition for the initial offering price, plus ten (10%) percent, he was to promptly inform this Board and seek its further authority or direction; and

**WHEREAS**, the City Manager's designee promptly contacted the property owner and its lender and communicated the City's initial offer, which the owner has accepted; however, due to this property being part of a pending Chapter 11 Plan of Reorganization, Lender has failed to respond;

**NOW, THEREFORE, BE IT RESOLVED** that the City Manager hereby reports, as directed, to this Board of Commissioners that he cannot through negotiations acquire the following real property within the parameters of the authority previously given, to-wit:

104 Quincy Avenue   Tax Map: 003 06012   Dunson Properties, LLC  
PNC Bank, Lender

Further, the City Manager does not realistically believe this property can be timely acquired through negotiation in order to proceed with the project.

**FURTHER RESOLVED**, that this Board reaffirms its determination that these properties are essential and necessary for timely construction of its Project and that a sufficient public purpose exists to justify exercise of the City's power of eminent domain. The Chairperson is authorized and directed to execute a Declaration of Taking for such property.

**WHEREFORE, BE IT RESOLVED** that the City Manager and City Attorney are hereby authorized and directed to file a Petition for Condemnation, pursuant to the method set forth in O.C.G.A. §32-3-1, *et seq.* against the aforesaid property and to tender

into the registry of the Superior Court of Spalding County, Georgia, the sum of \$100.00, being the amount appraised as just and adequate compensation for the interests to be acquired.

**SO RESOLVED**, this 8th day of September, 2015.