

STATE OF GEORGIA  
COUNTY OF FULTON  
CITY OF SOUTH FULTON

RES2022-046

**A RESOLUTION TO AUTHORIZE THE USE OF EMINENT DOMAIN TO ACQUIRE REAL PROPERTY INTERESTS NECESSARY TO COMPLETE THE SIDEWALK AND BRIDGE IMPROVEMENTS FOR FAIRBURN ROAD UPGRADE PHASE II, PROJECT T271, PARCEL 5; TO AUTHORIZE THE CITY OF SOUTH FULTON, GEORGIA TO CONDEMN SAID PROPERTY INTERESTS, WHERE NECESSARY; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of South Fulton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia; and

**WHEREAS**, the duly elected governing authority of the City is the Mayor and Council thereof ("City Council"); and

**WHEREAS**, the City, pursuant to Section 1.12 (b) (6) of its Charter, has the authority to condemn property for present or future use and for any corporate purpose deemed necessary by the governing authority using the methods and means not inconsistent with the Charter, the Constitution and laws of the State of Georgia; and as provided in O.C.G.A. § 22-1-1 et seq., and O.C.G.A. § 32-3-1 et seq.; and

**WHEREAS**, the Mayor and Council of the City of South Fulton, Georgia have determined that it is in the public interest and benefit to perform sidewalk and bridge improvements for Fairburn Road upgrade Phase II within the City of South Fulton city limits and have adopted and accepted a plan for the transportation project; and

**WHEREAS**, in order to perform the perform sidewalk and bridge improvements for the public use and for the public benefit, it is necessary to obtain certain interests in real property from parcels adjacent to Fairburn Road; and

**WHEREAS**, an appraiser familiar with real estate values in Fulton County, Georgia, was employed to appraise the tract of land located at 0 Fairburn Road, South Fulton, Georgia, bearing Parcel ID 14-F0010-LL-1309 (the "Property") and has determined that just and adequate compensation for the property interests necessary to transportation project, which are more specifically described in Exhibit "A", and for any consequential damages or benefits considered, is Eight Hundred Dollars (\$800.00); and

**WHEREAS**, the City engaged in good faith negotiations with the owner of the Property to acquire the Property based upon a certified appraisal of the same, but the negotiations were unsuccessful; and

**WHEREAS**, the exercise of eminent domain over the Property is necessary for public use; and

**WHEREAS**, condemnation for transportation purposes pursuant to O.C.G.A. § 32-3-1 et seq., or other appropriate method, is necessary to accomplish the public use.

**THE CITY COUNCIL OF THE CITY OF SOUTH FULTON HEREBY RESOLVES** as follows:

**Section 1.** That the City of South Fulton declares its intent to acquire the property interests described in Exhibit "A", attached hereto, from the tract of land located at 0 Fairburn Road, South Fulton, Georgia, bearing Parcel ID 14-F0010-LL-1309.

**Section 2.** That the City Council finds that this resolution authorizing the use of eminent domain to acquire certain tracts and/or parcels of land necessary to facilitate the transportation project along Fairburn Road at Camp Creek Parkway is necessary for a public purpose.

**Section 3.** That the City Council finds that the public necessity for immediately acquiring all of the property interests specifically described in Exhibit "A" for the above stated purposes is hereby declared; and further, a finding is hereby made that the circumstances are such that it is necessary to proceed with condemnation proceedings by use of the declaration of taking method of condemnation, as authorized by O.C.G.A. § 32-3-1 et seq, and use of this method is hereby authorized for the acquisition of the property interests described in Exhibit "A".

**Section 4.** That the City has determined that Eight Hundred Dollars and Zero Cents (\$800.00) is the just and adequate compensation to be remitted for the property interests sought and that amount is specifically authorized by this resolution.

**Section 5.** That the City Attorney is authorized by this Resolution to proceed with condemnation proceedings in the name of the City of South Fulton, Georgia for the quick and effective condemnation of the property interests described in Exhibit "A" for the described public purpose and use set forth herein, as provided by local and statutory law and the Constitution of Georgia.

**Section 6.** That the City Manager, or her designee, is hereby authorized and directed to execute all documents necessary for the acquisition and condemnation of the subject Property described or referenced herein, to make or authorize all necessary expenditures or payments and to also take all the necessary steps to accomplish the intent and purpose of this resolution, including but not limited to, title searches, appraisals, surveys, specialty reports, expert fees, closings and/or any other costs associated with the condemnation action authorized by this Resolution.

**Section 7.** That after approval of this Resolution the Mayor of the City of South Fulton, Georgia is authorized and directed to sign a declaration of taking related to the property interests specified in Exhibit "A", as required by O.C.G.A. § 32-3-6, on behalf of the City of South Fulton.

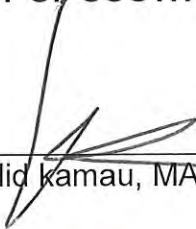
**[signatures and voting tabulations appear on the following page]**

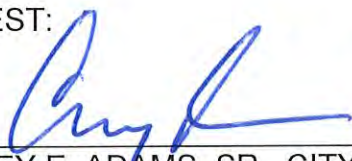
The foregoing RESOLUTION No. 2022-046, was adopted on August 23, 2022 was offered by Councilmember Rowell, who moved its approval. The motion was seconded by Councilmember Willis, and being put to a vote, the result was as follows:

	AYE	NAY
khalid kamau, Mayor	_____	_____
Carmalitha Gumbs	X	_____
Catherine Foster Rowell	X	_____
Helen Zenobia Willis	X	_____
Jacey Sebastian	X	_____
Corey Reeves, Mayor Pro Tem	X	_____
Natasha Williams	X	_____
VACANT	_____	_____


THIS RESOLUTION adopted this 23<sup>rd</sup> day of August 2022.

**CITY OF SOUTH FULTON, GEORGIA**

  
\_\_\_\_\_  
khalid kamau, MAYOR

ATTEST:  
  
\_\_\_\_\_  
COREY E. ADAMS, SR., CITY CLERK



APPROVED AS TO FORM:  
 8/24/22  
\_\_\_\_\_  
VINCENT D. HYMAN, CITY ATTORNEY



## EXHIBIT "A"

### REQUIRED RIGHT OF WAY

All that tract or parcel of land lying and being in Land Lot 10 of the 14th Land District of Fulton County, Georgia, being more particularly described as follows:

Beginning at a point 41.83 feet right of and opposite Station 162+65.98 on the construction centerline of Fairburn Road on Georgia Highway Project No. T-271; running thence northeasterly 177.22 feet along the arc of a curve (said curve having a radius of 995.85 feet and a chord distance of 176.98 feet on a bearing of N 2°32'01.2" E) to the point 40.22 feet right of and opposite station 164+37.25 on said construction centerline laid out for FAIRBURN ROAD CONST C/L; thence N 2°37'33.5" W a distance of 112.91 feet to a point 40.03 feet right of and opposite station 165+48.90 on said construction centerline laid out for FAIRBURN ROAD CONST C/L; thence N 2°50'27.7" W a distance of 63.93 feet to a point 40.03 feet right of and opposite station 166+12.83 on said construction centerline laid out for FAIRBURN ROAD CONST C/L; thence N 87°09'20.7" E a distance of 13.87 feet to a point 53.89 feet right of and opposite station 166+12.83 on said construction centerline laid out for FAIRBURN ROAD CONST C/L; thence S 3°31'31.1" E a distance of 92.84 feet to a point 55.00 feet right of and opposite station 165+20.00 on said construction centerline laid out for FAIRBURN ROAD CONST C/L; thence S 87°09'32.3" W a distance of 5.00 feet to a point 50.00 feet right of and opposite station 165+20.00 on said construction centerline laid out for FAIRBURN ROAD CONST C/L; thence S 2°50'27.8" E a distance of 44.92 feet to a point 50.00 feet right of and opposite station 164+75.08 on said construction centerline laid out for FAIRBURN ROAD CONST C/L; thence southeasterly 137.23 feet along the arc of a curve (said curve having a radius of 1250.00 feet and a chord distance of 137.16 feet on a bearing of S 0°18'14.4" W) to the point 50.00 feet right of and opposite station 163+43.33 on said construction centerline laid out for FAIRBURN ROAD CONST C/L; thence S 11°45'39.7" E a distance of 36.26 feet to a point 60.00 feet right of and opposite station 163+10.00 on said construction centerline laid out for FAIRBURN ROAD CONST C/L; thence S 13°13'57.2" W a distance of 52.07 feet to a point 53.64 feet right of and opposite station 162+60.65 on said construction centerline laid out for FAIRBURN ROAD CONST C/L; thence N 57°35'19.5" W a distance of 13.05 feet back to the point of beginning.

Containing 0.097 acres more or less.

## **PERMANENT EASEMENT FOR CONSTRUCTION AND MAINTENANCE OF SLOPES**

### **Area 1**

All that tract or parcel of land lying and being in Land Lot 10 of the 14th Land District of Fulton County, Georgia, being more particularly described as follows:

Beginning at a point 53.64 feet right of and opposite Station 162+60.65 on the construction centerline of Fairburn Road on Georgia Highway Project No. T-271; running thence N 13°13'57.2" E a distance of 52.07 feet to a point 60.00 feet right of and opposite station 163+10.00 on said construction centerline laid out for FAIRBURN ROAD CONST C/L; thence S 28°05'09.0" E a distance of 44.75 feet to a point 85.00 feet right of and opposite station 162+75.00 on said construction centerline laid out for FAIRBURN ROAD CONST C/L; thence S 24°23'30.3" W a distance of 16.79 feet to a point 80.00 feet right of and opposite station 162+60.00 on said construction centerline laid out for FAIRBURN ROAD CONST C/L; thence N 81°05'42.4" W a distance of 26.37 feet back to the point of beginning.

Containing 0.023 acres more or less.

## **PERMANENT EASEMENT FOR CONSTRUCTION AND MAINTENANCE OF SLOPES**

### **Area 2**

All that tract or parcel of land lying and being in Land Lot 10 of the 14th Land District of Fulton County, Georgia, being more particularly described as follows:

Beginning at a point 55.00 feet right of and opposite Station 165+20.00 on the construction centerline of Fairburn Road on Georgia Highway Project No. T-271

; running thence N 3°31'31.1" W a distance of 92.84 feet to a point 53.89 feet right of and opposite station 166+12.83 on said construction centerline laid out for FAIRBURN ROAD CONST C/L; thence N 2°26'43.4" W a distance of 7.17 feet to a point 53.94 feet right of and opposite station 166+20.00 on said construction centerline laid out for FAIRBURN ROAD CONST C/L; thence N 87°09'32.3" E a distance of 13.06 feet to a point 67.00 feet right of and opposite station 166+20.00 on said construction centerline laid out for FAIRBURN ROAD CONST C/L; thence S 2°50'27.7" E a distance of 55.00 feet to a point 67.00 feet right of and opposite station 165+65.00 on said construction centerline laid out for FAIRBURN ROAD CONST C/L; thence S 12°05'25.4" W a distance of 46.57 feet back to the point of beginning.

Containing 0.023 acres more or less.