

STATE OF GEORGIA

CITY OF HAMPTON

RESOLUTION NO. 2021-32

A RESOLUTION AUTHORIZING THE EXERCISE OF THE CITY OF HAMPTON'S POWER OF EMINENT DOMAIN IN ACCORDANCE WITH THE PROVISIONS OF GEORGIA LAWS FOR THE PURPOSE OF ACQUIRING CERTAIN INTERESTS IN PROPERTY SITUATED IN CITY OF HAMPTON, HENRY COUNTY, GEORGIA, FOR CONSTRUCTION/IMPROVEMENT OF A CITY INTERSECTION AND/OR OTHER PUBLIC TRANSPORTATION PURPOSES; TO AUTHORIZE THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS RELATING THERETO; TO PERFORM ALL ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THIS RESOLUTION; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Hampton (hereinafter "City") is governed by the Mayor and Council; and

WHEREAS, pursuant to Article 9, Section 2, Paragraph 5 of the Georgia Constitution, O.C.G.A. § 32-3-1 *et seq.*, and Section 2.17 of the City Charter, municipalities may acquire property in fee simple or in any lesser interest by eminent domain for public purposes; and

WHEREAS, the City desires to exercise its powers of eminent domain in accordance with the provisions of Georgia Law for the purpose of acquiring 0.05 acres of 1 East King Road (particularly described in Exhibit "A") for use by the City for the East King and Floyd Road Intersection Improvement Project (the "Project"); and

WHEREAS, the City made a reasonable offer based on the appraisal of a real estate appraiser licensed in the State of Georgia but said offer was not accepted; and

WHEREAS, the City has been unable to reach an agreement to acquire the rights and interest necessary for the Project; and

WHEREAS, the governing authority of the City of Hampton, Georgia, a municipal corporation of the State of Georgia, has determined that the circumstances of this matter are such that there is a necessity and it is in the best interest of the City and the City will be best served for acquiring the right-of-way for the Project by exercising the City's powers of eminent domain pursuant to O.C.G.A. § 32-3-1, *et seq.* in the acquisition of certain interests in the property for city street and/or other public transportation purposes.


NOW THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the City Attorney, or her designee, is ordered and directed to institute proceedings *in rem* pursuant to O.C.G.A. § 32-3-1, *et seq.* in the Henry County Superior Court in order to condemn that certain property and interests therein more particularly described in Exhibit "A" which is attached hereto and made a part hereof by reference as though fully set forth at this point, all to the use of the City of Hampton for the purposes of a right-of-way, public transportation project at 1 East King Road, and that the Mayor may sign any documents and/or pleadings required for proper filing under the aforementioned Code sections including a Declaration of Taking and Order of Mayor and Council.

SO RESOLVED, this 12 day of OCT, 2021.

CITY OF HAMPTON, GEORGIA


STEVE HUTCHISON, Mayor

ATTEST:


MELISSA BROOKS, City Clerk

APPROVED AS TO FORM:


L'ERIN BARNES WIGGINS, City Attorney