

**CITY OF HAMPTON
STATE OF GEORGIA**

ORDINANCE NO. 2022-581

TO OFFER FOR SALE A SMALL PORTION OF CITY RIGHT-OF-WAY IN ACCORDANCE WITH O.C.G.A. § 36-37-6(g); TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

THE COUNCIL OF THE CITY OF HAMPTON HEREBY ORDAINS:

WHEREAS, the Mayor and Council are the governing body of the City of Hampton, Georgia;

WHEREAS, a certain parcel of City right-of-way (ROW) located in land lot 233 of the 6th district totaling 0.24 acres along Blue Smoke Trail is too small for the City to use for any purpose and is incapable of being used independently as zoned; and

WHEREAS, O.C.G.A. § 36-37-6(g) allows for cities to offer for sale unutilized ROW for the purpose of private development without the need to solicit sealed bids;

WHEREAS, the City desires to offer for sale the aforementioned 0.24 acres under the following terms:

- Purchaser must own property which abuts the 0.24 acres,
- Purchaser must be able to show plans to utilize the 0.24 acres as part of its residential owned property which abuts the ROW,
- Purchaser agrees to combine its residentially owned property with the ROW to achieve one platted property with no future subdivide and file the same with the Superior Court Clerk of Henry County,
- Purchaser agrees to pay City's fair market value at \$12,000.00,
- Purchaser agrees to be responsible for all surveyor fees and costs for the new plat, and
- Purchaser agrees to submit replatted legal description to the City for review and acceptance;

WHEREAS, the R-2 Single-family zoning district does not allow for any use other than residential use;

WHEREAS, all owners abutting the 0.24 acres of ROW shall receive notice of this sale and be given an opportunity to purchase the ROW provided he/she can meet the conditions set forth herein;

NOW THEREFORE, IT IS HEREBY ORDAINED after a vote by the Mayor and Council of the City of Hampton that:

Section 1. Sale of ROW

The City of the Hampton, in accordance with O.C.G.A. § 36-37-6(g), agrees to offer for sale 0.24 acres as described in the attached and incorporated by reference legal description to an abutting property owner provided all conditions set forth herein are met at the price of Twelve Thousand dollars (\$12,000.00).

Section 2. Authority

The City of the Hampton authorizes the City Manager and the Mayor to execute all documents to finalize said sale.

Section 3. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 4. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Hampton.

Section 5. This Ordinance shall take effect immediately upon its adoption. All Ordinances in conflict herewith are expressly repealed. It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Hampton, Georgia, and the sections of this Ordinance may be renumbered, if necessary, to accomplish such intention.

Section 6.

- a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.
- b. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause and phrase of this Ordinance is severable from every other, section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
- c. In the event that any phrase, clause, sentence, paragraph or Section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to


the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or Sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and Sections of the Article shall remain valid, constitutional, enforceable, and of full force and effect.

Section 7. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 8. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

SO ORDAINED, this 13th day of September 2022.


CITY OF HAMPTON, GEORGIA


ANN N. TARPLEY, Mayor

ATTEST:


RASHIDA FAIRLEY, City Clerk

APPROVED AS TO FORM:


L'ERIN BARNES WIGGINS, City Attorney

First Reading: August 9, 2022

Second Reading/
Adoption: September 13, 2022

