

RESOLUTION 2017-06-_____

A RESOLUTION TO AUTHORIZE THE CITY ATTORNEY TO BRING SUCH ACTION AS MAY BE NECESSARY TO SECURE, IN FEE SIMPLE, REAL PROPERTY LOCATED WITHIN THE CITY OF BROOKHAVEN FOR PUBLIC PURPOSES AND/OR ROADWAYS AS AUTHORIZED UNDER GEORGIA LAW

WHEREAS, the City of Brookhaven is a municipality organized and created under the laws of the State of Georgia, and

WHEREAS, the City is authorized by its Charter to acquire and to hold real property for public purposes, and

WHEREAS, the City of Brookhaven has adopted and accepted a plan for the creation of a public trail and greenspace along Peachtree Creek, and

WHEREAS, the City Council makes the legislative findings and conclusions enumerated below, and

WHEREAS, the City has procured an appraisal by a licensed real estate appraiser under Georgia law, has communicated the substance of that appraisal to the landowner, and has made a highest and best offer for the purchase of the tract under consideration,

NOW THEREFORE, be it resolved and determined by the City Council, in an open and regular meeting of the Council as follows:

1. The Council declares it to be the policy and desire of the City to acquire fee simple interest in the tract of land located at 1793 Briarwood Road, bearing Tax Parcel ID 18 197 01 001, and more particularly described in Exhibit A, hereto, and as shown in the plat attached as Exhibit B.
2. The purpose of the acquisition authorized by this resolution shall be for public purposes, that is the creation of greenspace and a public park, pursuant to O.C.G.A. § 22-1-1(9)(A) and § 22-1-2, and/or for the construction of public roads as defined and authorized in O.C.G.A. § 32-3-1.
3. The City has determined that \$340,000 is the fair and just compensation to be remitted for the purchase authorized by this Resolution.
4. The City Attorney, by email communication dated January 20, 2016, as authorized by the Council, communicated the appraisal authorized and obtained by the City, the basis of the appraisal, and made an offer of \$340,000 to purchase the property from the land owners.
5. The City Council also finds that the landowners made a counter-proposal of \$2,300,000 to the previous offer extended by the City to the landowners for the purchase of this property.
6. The Council expressly finds that the acquisition of this property serves the public interest, or that the property will be utilized for public purposes and/or public transportation purposes, and is an appropriate use of the City's power of eminent domain.

7. The City Council authorizes the Mayor to sign a declaration of taking pursuant to O.C.G.A. § 32-3-6, notifying any and all stakeholders, landowners, or other persons claiming any interest in the subject property of the City's intent to exercise its power of eminent domain.
8. The City Attorney, or his designee, is authorized to take such other and further action, petition, or other pleading necessary to confirm the City's taking under the Code.

SO RESOLVED, this _____ day of June, 2017.

John Arthur Ernst, Jr.
Mayor

Attest:

Approved as to form:

Susan Hiott
City Clerk

Christopher D. Balch
City Attorney