

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2016- 181

A RESOLUTION AUTHORIZING CLAYTON COUNTY TO EXERCISE ITS POWERS OF EMINENT DOMAIN IN ACCORDANCE WITH PROVISIONS OF GEORGIA LAWS TO ACQUIRE CERTAIN PROPERTY FOR USE BY THE PUBLIC AS A MULTI-USE PATHWAY; TO AUTHORIZE THE CHAIRMAN TO EXECUTE ALL DOCUMENTS NECESSARY TO CARRY OUT THE SAME, AND OTHERWISE TO PERFORM ALL ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THIS RESOLUTION; TO AUTHORIZE THE CHIEF FINANCIAL OFFICER TO AMEND THE BUDGET WHERE NECESSARY TO REFLECT AN APPROPRIATE REVENUE SOURCE AND EXPENSE; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners desires to exercise its powers of eminent domain in accordance with the provisions of Georgia Law to acquire certain real property rights located in Clayton County, Georgia, for use by the public as a multi-use pathway for pedestrians and non-motorized vehicles (such as bicycles) known as the Lake Spivey Golf Club Trail (the "Project"); and

WHEREAS, the affected properties are the following:

Walt Stephens Drive, Tax Parcel ID No. 12011A A010;

Members Drive, Tax Parcel ID No. 12011A A021;

Members Drive, Tax Parcel ID No. 12011A A031; and

Members Drive, Tax Parcel ID No. 12011A A032

(Owner FDIC as receiver for The Bank of Georgia); and

WHEREAS, Clayton County has offered to the owner the fair market value of the property rights required for the Project; and

WHEREAS, Clayton County has been unable to reach an agreement with the owner; and

WHEREAS, the Board of Commissioners deems it in the best interest of Clayton County and its citizens, and the County and its citizens will best be served by acquiring the property for the Project.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF CLAYTON COUNTY, GEORGIA AND IT IS HEREBY RESOLVED

Section 1. The Board of Commissioners hereby authorizes Clayton County to exercise its powers of eminent domain in accordance with the provisions of Georgia law to acquire certain real property rights for use by the public as a multi-use pathway for pedestrians and non-motorized vehicles (such as bicycles), as described on Exhibit "A" and as shown on the plans marked as Exhibit "B", both such exhibits attached hereto and incorporated herein by this reference, said property being generally known as: Tax Parcel ID Nos. 12011A A010, 12011A A021, 12011A A031, 12011A A032 (Owner FDIC as receiver for The Bank of Georgia).

Section 2. The Chairman is hereby authorized to execute such documents as may be necessary or prudent to accomplish and effectuate the intent of this resolution.

Section 3. The Chief Financial Officer is hereby authorized and directed to amend the budget as necessary to accommodate the acquisition authorized by this Resolution.

Section 4. All motions, orders, ordinances, bylaws, resolutions, and parts thereof in conflict herewith are hereby repealed to the extent only of such conflict. This repealer shall not be construed as reviving any motion, order, ordinance, bylaw, resolution, or part thereof.

Section 5. This resolution shall become effective immediately, and if any section, paragraph, clause, or provision hereof shall for any reason be held invalid or unenforceable, the invalidity or unenforceability thereof shall not affect any of the remaining provisions hereof.

PASSED, ADOPTED, SIGNED, APPROVED, and **EFFECTIVE** this the 6th day of December, 2016.

CLAYTON COUNTY BOARD OF COMMISSIONERS


JEFFREY E. TURNER, CHAIRMAN


SONNA SINGLETON GREGORY, VICE CHAIRMAN

(Absent)
SHANA ROOKS, COMMISSIONER


GAIL B. HAMBRICK, COMMISSIONER


MICHAEL EDMONDSON, COMMISSIONER

ATTEST:


SANDRA DAVIS, CLERK

[SEAL]