

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2018- 47

A RESOLUTION AUTHORIZING CLAYTON COUNTY TO EXERCISE ITS POWERS OF EMINENT DOMAIN IN ACORDANCE WITH PROVISIONS OF GEORGIA LAWS FOR THE PURPOSE OF ACQUIRING CERTAIN PROPERTY FOR USE BY THE CLAYTON COUNTY DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT FOR THE BATTLE CREEK ROAD WIDENING PROJECT (FROM VALLEY HILL ROAD TO SOUTHLAKE PARKWAY) (STP-9108-00(005)); TO AUTHORIZE THE CHAIRMAN TO EXECUTE ANY AND ALL DOCUMENTS RELATING THERETO, AND OTHERWISE TO PERFORM ALL ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THIS RESOLUTION; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, Clayton County desires to exercise its powers of eminent domain in accordance with provisions of Georgia Law for the purpose of acquiring certain property for use by the Clayton County Department of Transportation and Development for the Battle Creek Road Widening Project (from Valley Hill Road to Southlake Parkway) (STP-9108-00(005)) (the "Project"); and

WHEREAS, reasonable offers based on the appraisal of a real estate appraiser licensed in the State of Georgia have been made to the owner, but have not been accepted; and

WHEREAS, the Clayton County Department of Transportation and Development has been unable to reach an agreement to acquire the rights and interests necessary for the Project; and

WHEREAS, funding is available in the 2004 SPLOST Program to facilitate payment of just and adequate compensation for the rights to be acquired; and

WHEREAS, the Board of Commissioners deems it in the best interest of Clayton County, and the County will best be served by acquiring the rights-of-way and related interests for the Project for the reasons set forth herein.

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 provisions of Georgia Law for the purpose of acquiring certain properties, or portions thereof, for use by the Clayton County Department of Transportation and Development for the Battle Creek Road Widening Project (from Valley Hill Road to Southlake Parkway) (STP-9108-00(005)), those properties being specifically the following:

Parcel	Tax Map Identification #	Name	Address
53	13 0178A A007	Edward J. McGee	7285 Howard Pl Jonesboro, GA 30236
97	13 080D D002	Bosse Concrete Products Co, Inc.	1443 Battlecreek Rd Jonesboro, GA 30236
98	13 080D D004	Bosse Concrete Products Co, Inc.	1443 Battlecreek Rd Jonesboro, GA 30236
101	13 079C B003	Agics Trading Inc	7411 Southlake Pkwy Jonesboro, GA 30236
102	13 080C A003	Srisai Properties, LLC	1555 Battlecreek Rd Jonesboro, GA 30236

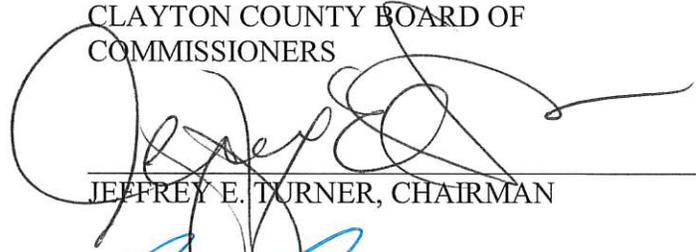
The property to be acquired is more fully depicted on Exhibit "A", attached hereto and incorporated herein by this reference.

Section 2. The Chairman is hereby authorized to execute any and all documents relating thereto, and otherwise to perform all acts necessary or prudent to effectuate the intent of this Resolution.

Section 3. This Resolution shall be effective on the date of its approval by the Board of Commissioners.

SO RESOLVED, this the 5th day of June, 2018.

CLAYTON COUNTY BOARD OF
COMMISSIONERS



JEFFREY E. TURNER, CHAIRMAN



MICHAEL EDMONDSON, VICE CHAIRMAN



GAIL B. HAMBRICK, COMMISSIONER



SONNA SINGLETON GREGORY,
COMMISSIONER



FELICIA FRANKLIN WARNER,
COMMISSIONER

ATTEST:



SANDRA DAVIS, CLERK

[SEAL]



Clayton County Board of Commissioners Legislative Request Form

Business Meeting Date: June, 5, 2018

Title: Resolution 2018-47 - A Resolution authorizing Clayton County to exercise its powers of eminent domain in accordance with provisions of Georgia Laws for the purpose of acquiring certain property for use by the Clayton County Department of Transportation and Development for the Battle Creek Road Widening Project (from Valley Hill Road to Southlake Parkway) (STP-9108-00(005)); to authorize the Chairman to execute any and all documents relating thereto, and otherwise to perform all acts necessary to accomplish the intent of this resolution; to provide an effective date of this resolution; and for other purposes.

Purpose

The purpose of this request is to authorize the County to exercise its powers of Eminent Domain for five (5) parcels required for the Mt Zion Boulevard and Battle Creek Road widening project.

Rationale

Negotiations with the property owners have not been successful to date due for a variety of reasons. In order to meet Georgia DOT's time frame for project construction and acquire all the parcels required for the project, condemnation activities need to begin to guarantee timely acquisition and right-of-way certification. Negotiations will continue with property owners in hopes of agreement before the legal process concludes.

Facts

In order to proceed with the project and eventual construction activities condemnation proceedings are required. The affected properties are:

- 7285 Howard Place, Tax ID 13178A A007, Owner: Edward McGee, Project Parcel #53
- 1443 Battle Creek Road, Tax ID 12080D D002, Owner: Bosse Concrete Products Inc, Project Parcel #97
- 1443 Battle Creek Road, Tax ID 12080D D002, Owner: Bosse Concrete Products Inc, Project Parcel #98
- 7411 Southlake Parkway, Tax ID 12079C B003, Owner: Agics Trading Inc, Project Parcel #101
- 1575 Battle Creek Road, Tax ID 12079C A069, Owner: 3005 Ogeechee Road LLC, Project Parcel #102

All property acquisition related documents including appraisals, negotiation records, affidavits, etc., will be provided directly to the County Attorney's office for their use these matters.

Impact

Funding is available in our 2004 SPLOST Program. Other costs include fees incurred by the County Attorney's Office associated with the condemnation filing.

Alternatives

NA

Supporting Documentation

Parcel 53 (PDF)
Parcel 97 (PDF)
Parcel 98 (PDF)
Parcel 101 (PDF)
Parcel 102 (PDF)
6.5.2018 RES 2018-47_Condemnation (eminent domain) Battle Creek_Mount Zion Project (PDF)

Staff Attorney	Pending	
Detrick Stanford	Completed	05/25/2018 4:54 PM
Board of Commissioners	Pending	06/05/2018 7:00 PM