

A RESOLUTION TO ESTABLISH AND CREATE THE BALDWIN COUNTY LAND BANK; TO APPROVE A LAND BANK CONTRACT PERTAINING TO THE CREATION AND OPERATION OF THE BALDWIN COUNTY LAND BANK; AND FOR OTHER PURPOSES.

WITNESSETH:

WHEREAS, in enacting the Georgia Land Bank Act, O.C.G.A. § 48-4-100, *et seq.* (the “Act”), the Georgia General Assembly found that there exists in the State of Georgia a continuing need to strengthen and revitalize the economy of the State of Georgia and local units of government in this State and that it is in the best interests of the State of Georgia and local units of government in this State to assemble or dispose of public property, including dilapidated, abandoned and tax delinquent property, in a coordinated manner to foster the development of that property and to promote economic growth in the State of Georgia;

WHEREAS, the Act permits a county and one or more municipal corporations located wholly or partially within the county to establish a land bank, the purpose of which would be to acquire tax delinquent and other properties in order to foster the public purpose of returning property which is non-revenue generating and non-tax producing to an effective utilization status in order to provide housing, new industry and jobs for the citizens of the State of Georgia;

WHEREAS, Baldwin County (the “County”) is a duly formed political subdivision of the State of Georgia;

WHEREAS, the Board of Commissioners of Baldwin County, Georgia (“the Board of Commissioners”) has determined that the establishment of a land bank is in the best interest of the citizens of the County;

WHEREAS the Board of Commissioners wants to create the Baldwin County Land Bank as a public body corporate and politic within the State of Georgia to exercise the powers, duties, functions, and responsibilities of a land bank under the Land Bank Act;

WHEREAS, the County hereby adopts the following Intergovernmental Contract Between Baldwin County and City of Milledgeville Creating the Baldwin County Land Bank (“Land Bank Contract”); and

WHEREAS, the Board of Commissioners desires to approve the Contract creating the Baldwin County Land Bank and authorize the County Manager and County Attorney to transmit the same to the City of Milledgeville, Georgia.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Baldwin County, Georgia, and it is hereby resolved by authority of the same, as follows:

- 1. Incorporation of Recitals.** The above stated recitals are true and correct and are incorporated as though fully set forth herein.
- 2. Acceptance of Land Bank Contract.** The County hereby approves the Land Bank Contract attached hereto as Exhibit “A.”

- 3. Creation and Legal Status of Land Bank.** The County hereby authorizes the creation of the Baldwin County Land Bank upon the signing and execution of the Land Bank Contract by the authorized representatives of the County and City of Milledgeville. The Land Bank shall be established as a separate legal entity and public body corporate, to be known as the “Baldwin County Land Bank” for purposes of acting as a land bank under the Act and implementing and administering the Land Bank Contract.
- 4. Authorization of the Chairman, County Manager, and County Attorney.** The Board of Commissioners hereby authorizes the Chairman to sign and execute the Land Bank Contract on behalf of the County. The Board of Commissioners hereby further authorizes the County Manager and County Attorney to transmit the Land Bank Contract attached as Exhibit A to the City of Milledgeville to approve at its next available meeting. The County Attorney is further authorized to make non-substantive modifications to Exhibit A that deal with the form of the information conveyed, rather than the substance of the powers, duties, functions, or responsibilities of the Baldwin County Land Bank.
- 5. Severability.** In case any one or more of the provisions of this resolution shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this resolution, but this resolution shall be construed and enforced as if such illegal or invalid provision had not been contained herein.
- 6. Merger Provision.** This resolution and the Land Bank Contract attached hereto as Exhibit A shall constitute the entire Contract between the County and City of Milledgeville. No waiver, consent, modification or change of terms of the Land Bank Contract shall bind the parties unless in writing and signed by the County and the City of Milledgeville. The waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified herein regarding the Land Bank Contract.
- 7. Repeal of Conflicting Resolutions.** Any and all resolutions in conflict with this resolution this day passed be and they are hereby repealed.
- 8. Effective Date.** This Resolution shall take effect immediately upon its adoption.

SO RESOLVED, this ____ day of February, 2023.

BALDWIN COUNTY, GEORGIA

Honorable Emily C. Davis
Chair, Baldwin County Board of Commissioners

ATTEST:

Cynthia K. Cunningham
Baldwin County Clerk

DATE ADOPTED _____

[SEAL]