

**Columbus Consolidated Government  
Council Meeting Agenda Item**

<b>TO:</b>	Mayor and Councilors
<b>AGENDA SUBJECT:</b>	<b>Declaration of Taking Resolution of Parcel 28 for the Intersection Improvements along Buena Vista Road (Columbus Spider Web Network) Muscogee County P.I. # 0011436</b>
<b>AGENDA SUMMARY:</b>	Approval is requested to repeal Resolution#101-21, and replacing with new Resolution of the Declaration of Taking of Parcel 28, 3100 Buena Vista Road for the Intersection Improvements along Buena Vista Road (Columbus Spider Web Network), Muscogee County totaling 0.015 acres+/- of Right of Way, plus 0.073 acres+/- Permanent Easement (Area 1) and 0.137 acres +/- (Area 2) and 0.079 acres +/- for Temporary Driveway Easement for the construction of the project for county Road and/or Municipal Street purposes and authorizing the filing of a Declaration of Taking by the City Attorney or his representatives for the Declaration of Taking of said land under the authority of official code of Georgia annotated, Section 32-3-1 et. Seq. for the referenced project.
<b>INITIATED BY:</b>	<b>Planning Department</b>

**Recommendation:** Approval is requested to repeal Resolution#101-21, and replacing with new Resolution of the Declaration of Taking of Parcel 28, 3100 Buena Vista Road for the Intersection Improvements along Buena Vista Road (Columbus Spider Web Network), Muscogee County totaling 0.015 acres+/- of Right of Way, plus 0.073 acres+/- Permanent Easement (Area 1) and 0.137 acres +/- (Area 2) and 0.079 acres +/- for Temporary Driveway Easement for the construction of the project for county Road and/or Municipal Street purposes and authorizing the filing of a Declaration of Taking by the City Attorney or his representatives for the Declaration of Taking of said land under the authority of official code of Georgia annotated, Section 32-3-1 et. Seq. for the referenced project.

**Background:** The Parcel listed above is requested for Declaration of Taking because of the inability to come to an amenable settlement. Reason for the repeal of existing Resolution #101-21 was a different approach to the Appraisal and must require an updated Appraisal that changed the Recommended Compensation Value.

**Analysis:** To keep the project on schedule it is necessary to proceed with the Declaration of Taking, to pay the new revised estimated just and adequate compensation into the Superior Court.

**Financial Considerations:** The Project is funded by the TSPLOST funds.

**Legal Considerations:** Council must approve the action by Resolution.

**Recommendation/Action:** Authorizing the City Manager to order the Repeal Resolution #101-20 and replacing with a new corrected Resolution for Declaration of Taking of said property for County Road and/or Municipal Street purposes and authorizing the filing of a Declaration of Taking by the City Attorney or his representatives for the Declaration of Taking of said property under authority of the official code of Georgia annotated, Section 32-3-1 et.seq.

**A RESOLUTION**

**NO.**

**A RESOLUTION DECLARING THAT THERE IS A NEED AND NECESSITY TO IMMEDIATELY ACQUIRE PROPERTY INTERESTS IN AND TO LANDS UNDER THE PROVISIONS OF THE OFFICIAL CODE OF GEORGIA ANNOTATED, AUTHORIZING THE MAYOR TO ORDER THE ACQUISITION OF SAID LANDS FOR COUNTY ROAD AND/OR MUNICIPAL STREET PURPOSES, AND AUTHORIZING THE FILING OF A DECLARATION OF TAKING BY THE CITY ATTORNEY OR HIS REPRESENTATIVES FOR THE ACQUISITION OF SAID LANDS UNDER THE AUTHORITY OF THE OFFICIAL CODE OF GEORGIA ANNOTATED, SECTION 32-3-1, ET. SEQ.**

**WHEREAS**, it is hereby determined that the circumstances in connection with acquiring property for the Buena Vista Road Spider Web Network Project, (STP00-000-00(473)) are such that it is necessary to immediately acquire fee simple title in the following described property, to-wit:

PROJECT NO.: STP00-000-00(473)  
P. I. NO.: 0011436  
PARCEL NUMBER: 28  
DATE OF R/W PLANS: 08/03/2017  
LAST REVISION DATE:05/20//2021  
TAX MAP NUMBER: 049-013-002

SEE EXHIBIT "A" & EXHIBIT "B"  
ATTACHED HERETO AND MADE A PART HEREOF.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF COLUMBUS, GEORGIA, AS FOLLOWS:**

1.

That pursuant to Article 9, Section 2 of the Georgia Constitution, cities and counties may acquire real property in fee simple or in any lesser interest by eminent domain for public purposes.

2.

That there is a necessity for the immediate acquisition of said property interests under the provisions of the Official Code of Georgia Annotated 32-3-1, et. seq.

3.

That the Mayor of Columbus, Georgia be, and hereby is, authorized to issue such orders and file such papers in the courts and enter into such agreements as he deems necessary for the immediate acquisition of said property interests by condemnation under the provisions of said Act.

4.

That the immediate acquisition of such property interests is for county roads, municipal streets or public highway purposes.

5.

That, in accordance with an investigation and report made to Columbus, Georgia by a competent land appraiser, the estimated value of \$676,500.00 is just and adequate compensation to be paid for such acquisition, and is hereby determined and approved, with such sum being authorized to be paid into Court for the use of the persons or entities entitled thereto.

6.

That the Mayor, City Manager and City Attorney, or their representatives, are hereby authorized to take any and all lawful actions that they may deem needful, necessary, advisable, or proper for the immediate acquisition of said property interests pursuant to and in accordance with the provisions of the Official Code of Georgia Annotated 32-3-1, et. Seq.

Introduced at a regular meeting of the Council of Columbus, Georgia held on the \_\_\_\_\_ day of \_\_\_\_\_ 2021 and adopted at said meeting by the affirmative vote of ten members of said Council.

Councilor Allen voting \_\_\_\_\_.  
Councilor Barnes voting \_\_\_\_\_.  
Councilor Crabb voting \_\_\_\_\_.  
Councilor Davis voting \_\_\_\_\_.  
Councilor Garrett voting \_\_\_\_\_.

Councilor House voting \_\_\_\_\_.  
Councilor Huff voting \_\_\_\_\_.  
Councilor Thomas voting \_\_\_\_\_.  
Councilor Tucker voting \_\_\_\_\_.  
Councilor Woodson voting \_\_\_\_\_.

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Sandra T. Davis, Clerk of Council

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B.H. "Skip" Henderson, Mayor