# RESOLUTION
## RES 2026-02

**RESOLUTION AUTHORIZING THE USE OF THE POWER OF EMINENT DOMAIN BY DECLARATION OF TAKING TO ACQUIRE CERTAIN EASEMENTS NEEDED FOR THE VETERANS/OLD ACWORTH STORM SEWER IMPROVEMENTS PROJECT**

**WHEREAS**, the City of Dallas, Georgia (the "City") is undertaking the Veterans/Old Acworth Storm Sewer Improvements Project, which includes storm sewer culvert replacements and road resurfacing improvements; and

**WHEREAS**, to be able to complete the Project, it is necessary to construct storm sewer culvert improvements on property (the "Property") of Samuel Alexander Dodson Fuller (the "Property Owner") located at 101 Veterans Drive, Dallas, Georgia 30132, in Land Lot 231 of the 2nd District of Paulding County; and

**WHEREAS**, the Property Owner executed an Agreement to Purchase Real Estate on September 21, 2023, agreeing to convey the required easements for the sum of $350.00; and

**WHEREAS**, despite multiple requests, the Property Owner has failed and refused to execute the easement documents necessary to complete the conveyance, and the City has been unable to complete a voluntary acquisition of the required permanent easement (373 square feet) and temporary construction easement (882 square feet); and

**WHEREAS**, pursuant to its Charter, enabling legislation, and state law, the City has the power of eminent domain to condemn property necessary to complete the Project; and

**WHEREAS**, on September 8, 2025, the Mayor and City Council authorized the City Attorney to proceed with condemnation action, if necessary, against the Property for the purposes of obtaining a temporary construction and permanent maintenance easement for the road and culvert repair; and

**WHEREAS**, the City desires to use the declaration of taking method of condemnation pursuant to Title 32 of the Official Code of Georgia Annotated, as authorized by O.C.G.A. § 22-3-140, to acquire the required easements over, through, and across the Property.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

**SECTION 1.** The Mayor and City Council authorizes the use of the City's power of eminent domain by declaration of taking to acquire the required permanent storm sewer easement (373 square feet) and temporary construction easement (882 square feet) over, through, and across the Property of Samuel Alexander Dodson Fuller located at 101 Veterans Drive, Dallas, Georgia 30132, in Land Lot 231 of the 2nd District of Paulding County.

**SECTION 2.** The Mayor and City Council specifically finds that these easements are necessary for the public purposes of constructing the Veterans/Old Acworth Storm Sewer Improvements Project, exercising the City's rights under its Charter and state law, and providing improved storm water management and road infrastructure to City residents.

**SECTION 3.** The City Attorney is authorized to take all actions that are necessary and proper to consummate the acquisition of the required easements from the Property Owner, including but not limited to filing a Petition for Condemnation and Declaration of Taking in the Superior Court of Paulding County and payment of just compensation of $350.00, based on the appraised value of the easements and the amount previously agreed to by the Property Owner.

SO RESOLVED this 5th day of January, 2026.

_____
L. James Kelly, Mayor

_____      _____
James Henson, Councilmember          Christopher B. Carter, Councilmember

_____      _____
Nancy R. Arnold, Councilmember          Leah Alls, Councilmember

_____      _____
Cooper Cochran, Councilmember          Candace Callaway, Councilmember

Attest: _____
       Tina Clark, City Clerk

# **CERTIFICATION**

I, Tina Clark, do hereby certify that I am the duly appointed, qualified, and acting City Clerk of the City of Dallas, Georgia, and that the foregoing is a true and correct copy of Resolution No. 2026-02 duly adopted by the Mayor and City Council of the City of Dallas, Georgia at a meeting duly held on January 5, 2026, at which a quorum was present and acting throughout.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Dallas, Georgia, this _____ day of _____, 2026.

_____
Tina Clark
City Clerk

(Affix City Seal)