

RESOLUTION

RES 2026-03

RESOLUTION AUTHORIZING THE USE OF THE POWER OF EMINENT DOMAIN BY DECLARATION OF TAKING TO ACQUIRE CERTAIN EASEMENTS NEEDED FOR THE BRIARWOOD WATER IMPROVEMENTS PROJECT

WHEREAS, the City of Dallas, Georgia (the "City") is undertaking the Briarwood Water Improvements Project, which includes the installation and upgrade of water distribution infrastructure; and

WHEREAS, to be able to complete the Project, it is necessary to construct water distribution main improvements on property (the "Property") of Adam Edwards (the "Property Owner") located at 319 Wildwood Drive, Dallas, Georgia 30132, in Land Lot 227 of the 2nd District of Paulding County; and

WHEREAS, after multiple attempts at negotiations with the Property Owner, the City has been unable to complete a voluntary sale and purchase of the required permanent easement (2,273 square feet); and

WHEREAS, on April 7, 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 the necessary permanent easement; 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, 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 permanent easement 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 easement (2,273 square feet) over, through, and across the Property of Adam Edwards located at 319 Wildwood Drive, Dallas, Georgia 30132, in Land Lot 227 of the 2nd District of Paulding County.

SECTION 2. The Mayor and City Council specifically finds that this easement is necessary for the public purposes of constructing the Briarwood Water Improvements Project, exercising the City's rights under its Charter and state law, and providing improved water service 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 permanent easement 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 \$1,060.00, based on the appraised value of the easement.

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. 2026-03 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)