

STATE OF GEORGIA

CITY OF FOREST PARK

RESOLUTION NO. 2025-_____

A RESOLUTION BY MAYOR ANGELYNE BUTLER AND COUNCILMEMBERS KIMBERLY JAMES, HECTOR GUTIERREZ, LATRESA AKINS-WELLS, AND ALLAN MEARS OF THE CITY OF FOREST PARK, GEORGIA AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY LOCATED IN LAND LOT 78, 13TH LAND DISTRICT, CITY OF FOREST PARK, CLAYTON COUNTY, GEORGIA BY WAY OF NEGOTIATED PURCHASE, OR WHERE NECESSARY, BY WAY OF EMINENT DOMAIN FOR PUBLIC PURPOSES; TO AUTHORIZE THE APPROVAL OF ANY NECESSARY DOCUMENTS AS TO FORM AND SUBSTANCE; TO MAKE ANY NECESSARY MODIFICATIONS THEREOF TO PROTECT THE INTERESTS OF THE CITY OF FOREST PARK; AND TO AUTHORIZE ALL OTHER LAWFUL PURPOSES RELATED TO ACQUIRING FEE SIMPLE INTEREST OF SAID PROPERTY.

WHEREAS, the City of Forest Park, Georgia (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia; and

WHEREAS, pursuant to Article IX, Section II, Paragraph V of the Georgia Constitution, municipalities may acquire property in fee simple or in any lesser interest by eminent domain for public purposes; and

WHEREAS, O.C.G.A. § 22-1-15 further authorizes the use of declaration of taking as a condemnation method whenever a municipality desires to take or damage private property for public use; and

WHEREAS, the Mayor and Council for the City have determined that circumstances exist such that there is a necessity for exercising its power of eminent domain pursuant to O.C.G.A. § 22-1-1 *et seq.* and other applicable law for the acquisition of fee simple interest to certain property more particularly described in attached Exhibit “A” (“Subject Property”) and depicted in Exhibit “B”; and

WHEREAS, the governing authority of the City finds that the acquisition of the Subject Property by the City is necessary for public purposes and constitutes a "public use" within the meaning of O.C.G.A. § 22-1-1 *et. seq.*; and

WHEREAS, the acquisition of the Subject Property is necessary to protect the health, safety, and welfare of the citizens of the City.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council for the City of Forest Park, Georgia as follows:

Section 1: There is a public necessity and use for the City of Forest Park, Georgia to acquire permanent easement rights on the property located at 5201 Albert Drive, Forest Park, Georgia 30297 (Clayton County Tax Parcel Identification No. 13078B F007).

Section 2: There has been a finding made that the circumstances are such that it is necessary to proceed with condemnation proceedings regarding permanent drainage easement rights by use of a method of condemnation, as authorized by O.C.G.A. §§ 22-1-1 *et seq.* and use of that method is hereby authorized for the acquisition of property described in Exhibit “A”.

Section 3: That the City Attorney is authorized and directed by this Resolution to institute, pursuant to O.C.G.A. § 22-1-15, a petition in the name of the governing body for the City of Forest Park, Georgia with the Superior Court of Clayton County for a judgment in rem against the property described in Exhibit “A” for a quick and effective condemnation of the property

described in Exhibit “A” and every interest therein as provided by the Georgia Constitution and O.C.G.A. §§ 22-1-1 *et seq.*

Section 4: That the City Manager is hereby authorized and directed to expend all necessary and proper payments for the expenses incurred in carrying out the acquisition and the condemnation of this property upon receipt of a requisition therefor from the City Attorney and to make all necessary and proper payments in connection with such acquisition, including but not limited to, title searches, appraisals, surveys, specialty reports, expert fees, closings and/or any other costs associated with any condemnation actions authorized by this Resolution.

Section 5: This resolution shall become effective immediately upon its adoption by the Mayor and Council of the City of Forest Park as provided in the City Charter.

SO RESOLVED AND ADOPTED this _____ day of _____, 2025.

CITY OF FOREST PARK, GEORGIA

Angelyne Butler, *Mayor*

ATTEST:

_____(SEAL)
Randi Rainey, *City Clerk*

APPROVED AS TO FORM:

City Attorney

EXHIBIT
“A”

Legal Description

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 78 OF THE 13TH DISTRICT OF CLAYTON COUNTY, GEORGIA, BEING LOT 22, LINDA HEIGHTS SUBDIVISION, AS PER PLAT RECORDED IN PLAT BOOK 4, PAGE 256, CLAYTON COUNTY RECORDS; SAID PLAT IS INCORPORATED HEREIN AND MADE A PART OF THIS DESCRIPTION BY REFERENCE; BEING KNOWN AS NUMBER 5201 ALBERT DRIVE, FOREST PARK, CLAYTON COUNTY, GEORGIA, ACCORDING TO THE PRESENT SYSTEM OF NUMBERING USED IN FOREST PARK, GEORGIA.