

RESOLUTION NO. 2021-29

**A RESOLUTION TO AUTHORIZE MAINTENANCE OF CERTAIN
CEMETERIES WITH THE CITY LIMITS OF FOREST PARK**

WHEREAS, the City of Forest Park (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia and is charged with being fiscally responsible concerning the use and expenditure of all public funds; and

WHEREAS, there exist certain cemeteries within the corporate limits of the City that are not being maintained and appear to be abandoned inasmuch as they show signs of neglect including, without limitation, the unchecked growth of vegetation, repeated and unchecked acts of vandalism, or the disintegration of grave markers or boundaries and for which no person can be found who is legally responsible and financially capable of the upkeep of such cemeteries;

WHEREAS, O.C.G.A. § 36-72-3 authorizes counties and municipalities to preserve and protect any abandoned cemetery or any burial ground which the county or municipality determines has been abandoned or is not being maintained by the person who is legally responsible for its upkeep, whether or not that person is financially capable of doing so, to expend public money in connection therewith, to provide for reimbursement of such funds by billing any legally responsible person or levying upon any of his property as authorized by local ordinance, and to exercise the power of eminent domain to acquire any interest in land necessary for that purpose; and

WHEREAS, it is proposed that the City take certain steps (i) to declare such cemeteries abandoned, (ii) to begin maintaining such cemeteries by keeping them clean and free from unchecked growth of vegetation, and (iii) to exercise the power of eminent domain for such purposes;

THEREFORE, THE CITY COUNCIL OF THE CITY OF FOREST PARK HEREBY RESOLVES:

SECTION 1. Declaration of Abandonment. The cemeteries listed on the attached Exhibit “A” are hereby declared abandoned.

SECTION 2. Authorization of Maintenance. The City Manager is authorized to direct the Public Works staff and/or the City’s on-call landscape maintenance vendors to maintain said cemeteries by keeping them clear of unchecked vegetation, trash, and debris.

SECTION 3. Eminent Domain. The City Manager is authorized to initiate such steps as are necessary to provide for the acquisition of the abandoned cemeteries by eminent domain. The City Manager and the City’s outside legal counsel are further authorized to identify and engage appraisers, surveyors, and other consultants to provide appraisal reports, trade fixture reports, sign appraisals, title reports, surveys, legal descriptions, environmental assessments, moving estimates and any other reports (collectively “Reports”) that are necessary or desirable to quantify the nature

and extent of the potential acquisition the abandoned cemeteries. Any engaged Consultants are authorized to enter private property on the City's behalf to survey, inspect and appraisal such property for the purpose of quantifying the nature and extent of the potential acquisition of private property rights and to determine just and adequate compensation for such potential acquisition.

SECTION 3. Public Record. This document shall be maintained as a public record by the City Clerk and shall be accessible to the public during all normal business hours of the City of Forest Park.

SECTION 4. Authorization of Execution. The mayor or is hereby authorized to sign all documents necessary to effectuate this Resolution.

SECTION 5. Attestation. The City Clerk is authorized to execute, attest to, and seal any documents which may be necessary to effectuate this ordinance, subject to approval as to form by the City Attorney.

SECTION 6. Effective Date. This resolution shall become effective immediately upon its adoption by the Mayor and City Council of the City of Forest Park as provided in the City Charter.

[SIGNATURE APPEAR ON FOLLOWING PAGE]

SO REOLVED this 16th day of August 2021.

Mayor Angelyne Butler

Council Member Kimberly James, Ward 1

Council Member Dabouze Antoine, Ward 2

Council Member Hector Gutierrez, Ward 3

Council Member Latresa Wells, Ward 4

Council Member Allan Mears, Ward 5

ATTEST:

City Clerk (SEAL)

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

Listing of Abandoned Cemeteries

1. Rock Springs Church Cemetery located at 730 Conley Road
2. Forest Park Lodge of Odd Fellows Cemetery located at 732 Conley Road
3. Macedonia Cemetery located at 734 Conley Road