

RESOLUTION NO. 23-06

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO INSTITUTE IN *REM CONDEMNATION* PROCEEDINGS PURSUANT TO THE SPECIAL MASTER METHOD AUTHORIZED BY O.C.G.A. § 22-2-100, *ET SEQ.*, TO ACQUIRE THE FEE SIMPLE INTEREST IN THE REAL PROPERTY LOCATED AT 314 FOREST PARKWAY, FOREST PARK, GA 30297, CLAYTON COUNTY TAX PARCEL ID NO. 13051A C004, INCLUDING THREE COMMERCIAL BUILDINGS IDENTIFIED BY THE CLAYTON COUNTY TAX ASSESSOR AS BLDG 1 – 314 FOREST PKWY, BLDG 2 – 318 FOREST PKWY AND BLDG 3- 320 FOREST PKWY, FOR THE CONSTRUCTION AND OPERATION OF A NEW CITY HALL WITHIN THE CITY LIMITS; TO AUTHORIZE THE CITY ATTORNEY TO USE THE SERVICES OF OUTSIDE COUNSEL TO HANDLE CONDEMNATION PROCEEDINGS; AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and City Council of the City of Forest Park, Georgia (the “City”) have determined it is necessary and desirable to construct and operate a new city hall (the “New City Hall”) within the City limits; and

WHEREAS, the Mayor and City Council have identified a public need to acquire certain real property within the City limits for the construction and operation of the New City Hall; and

WHEREAS, the Mayor and City Council find that the acquisition of the fee simple interest in the entirety of the real property located at **314 FOREST PARKWAY, FOREST PARK, GA 30297, CLAYTON COUNTY TAX PARCEL ID NO. 13051A C004, INCLUDING THREE COMMERCIAL BUILDINGS IDENTIFIED BY THE CLAYTON COUNTY TAX ASSESSOR AS BLDG 1 – 314 FOREST PKWY, BLDG 2 – 318 FOREST PKWY AND**

BLDG 3- 320 FOREST PKWY (the “Property”) is necessary to construct and operate the New City Hall; and

WHEREAS, a description of the Property is attached hereto as **EXHIBIT “1”** and incorporated herein by this reference; and

WHEREAS, the Mayor and City Council find that the acquisition of the fee simple interest in the Property for the construction and operation of the New City Hall constitutes a “public use” within the meaning of O.C.G.A. § 22-1-1, *et seq.*; and

WHEREAS, the City obtained an independent real estate appraisal (the “Appraisal”) from George Petkovich, MAI, CCIM, Principal at Pritchett, Ball & Wise, Inc., to determine the fair market value of the fee simple interest in the Property; and

WHEREAS, the City submitted a prompt offer to Winton E. Bowman, the fee simple owner of the Property (the “Owner”), to acquire the fee simple interest in the Property in the amount established by the Appraisal as the fair market value of the fee simple interest in the Property; and

WHEREAS, the City Manager engaged in negotiations with the Owner for the acquisition of fee simple interest in Property; and

WHEREAS, negotiations between the City and the Owner for the acquisition of the fee simple interest in the Property by negotiated purchase and sale transaction have reached an impasse; and

WHEREAS, O.C.G.A. § 22-2-100, *et seq.*, authorizes the institution of *in rem* condemnation proceedings before a special master whenever it is desirable, for any reason, to arrive at a quick and certain adjudication of the amount of just and adequate compensation to be paid to property owner(s) before the taking or damaging of private property for public use; and

WHEREAS, the Mayor and City Council find that circumstances necessitate the City institute *in rem* condemnation proceedings pursuant to the special master method authorized by O.C.G.A. § 22-2-100, *et seq.*, to arrive at a quick and certain adjudication of the amount of just and adequate compensation to be paid to the Owner and any other parties who may have an interest in the Property before the taking of the fee simple interest in the Property for the construction and operation of the New City Hall.

NOW THEREFORE, THE MAYOR AND CITY COUNCIL OF THE CITY OF FOREST PARK HEREBY RESOLVE:

THAT, the recitals and findings set forth above are hereby incorporated and made a part hereof as though fully set forth herein; and

THAT, the City is hereby authorized to institute *in rem* condemnation proceedings against the fee simple interest in the Property utilizing the special master method pursuant to O.C.G.A. § 22-2-100 *et seq.* to arrive at a quick and certain adjudication of the amount of just and adequate compensation to be paid to the Owner and any other parties who may have an interest in the Property before the taking of the fee simple interest in the Property for the construction and operation of the New City Hall; and

THAT, the City Attorney is hereby authorized and directed to file *in rem* condemnation proceedings against the fee simple interest in the Property utilizing the special master method pursuant to O.C.G.A. § 22-2-100, *et seq.*; and

THAT, the City Attorney is authorized to engage the services of outside counsel at the firm of Parker Poe Adams & Bernstein LLP to handle such condemnation proceedings; and

THAT, the City Attorney and City Manager are hereby authorized to take such actions as may be necessary or required to effect the intent of this Resolution; and

THAT, the Mayor is authorized to take such actions and sign any documents as may be necessary or required to effect the intent of this Resolution; and

THAT, the City Clerk is authorized to execute, attest to, seal and/or certify any documents as may be necessary or required to effect the intent of this Resolution; and

THAT, this Resolution shall be maintained in the public record by the City Clerk and shall be accessible to the public during normal business hours of the City; and

THAT, 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.

SO RESOLVED this _____ day of February, 2023.

ANGELYNE BUTLER, Mayor

ATTEST:

City Clerk (SEAL)

APPROVED AS TO FORM:

City Attorney

EXHIBIT "1"

LEGAL DESCRIPTION OF THE PROPERTY

All that tract or parcel of land lying and being in the City of Forest Park, in Land Lot 51 of the 13th District of Clayton County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin on the North side of Georgia Avenue at a point 787 feet West of the Northwest corner of Georgia Avenue and Hale Road, and thence running West along the North side of Georgia Avenue, and following the curvature thereof, 262.2 feet to an iron pin on the West line of said Land Lot; thence North 0 degrees 2 minutes East along the West line of said Land Lot (this line forming an interior angle of 86 degrees 54 minutes with the chord line of the North side of Georgia Avenue) 300 feet to a point marked by an iron pin; thence East (on a line which forms an interior angle of 93 degrees 13 minutes with the West line of said Land Lot, 256.6 feet to a point marked by an iron pin; thence South, on a line which forms an interior angle of 87 degrees 50 minutes with the last mentioned line, 300 feet to Georgia Avenue at the point of beginning; being a portion of the land shown on a survey and plat of property of "Mrs. Eloise P. Bowman", made by L. H. Fitzpatrick, C.E., dated April, 1959, recorded in Plat Book 5, Page 233, Clayton County Records.

THE PROPERTY ALSO IS DESCRIBED AS FOLLOWS:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 51, 13th DISTRICT, CITY OF FOREST PARK, CLAYTON COUNTY, GEORGIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH REBAR FOUND AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF FOREST PARKWAY AND THE EASTERLY RIGHT-OF-WAY LINE OF SPRINGDALE ROAD.

THENCE, WITH SAID EASTERLY RIGHT-OF-WAY LINE, NORTH 01 DEGREES 53 MINUTES 16 SECONDS EAST, 274.82 FEET TO A 3/4 INCH CRIMP TOP PIPE;

THENCE, LEAVING SAID RIGHT-OF-WAY LINE, NORTH 87 DEGREES 24 MINUTES 11 SECONDS EAST, 246.30 FEET TO A 1/2 INCH OPEN TOP PIPE;

THENCE, SOUTH 00 DEGREES 57 MINUTES 13 SECONDS WEST, 262.75 FEET TO A DRILLED HOLE IN CONCRETE WALL AT THE NORTHERLY RIGHT-OF-WAY LINE OF FOREST PARKWAY;

THENCE, WITH SAID RIGHT-OF-WAY LINE, 252.43 FEET ALONG A CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 1,020.00 FEET AND A CHORD BEARING SOUTH 84 DEGREES 44 MINUTES 01 SECONDS WEST, 251.79 FEET) TO THE **POINT OF BEGINNING**.

SAID TRACT OR PARCEL CONTAINING **1.50 ACRES (65,314 SQUARE FEET)**, AND BEING A PORTION OF THE LAND SHOWN AND DESCRIBED IN A PLAT OF SURVEY ENTITLED “BOUNDARY & TOPOGRAPHIC SURVEY FOR THE DEVELOPMENT AUTHORITY OF THE CITY OF FOREST PARK” PREPARED BY FALCON DESIGN CONSULTANTS AND BEARING THE SEAL OF KEVIN M. BROWN, REGISTERED LAND SURVEYOR NUMBER 2960, DATED OCTOBER 14, 2022.