

**RESOLUTION \_\_\_\_\_**

**RESOLUTION TO APPROVE USE OF EMINENT DOMAIN TO ACQUIRE  
GWINNETT TAX PARCEL R5143 285 FOR A PUBLIC PURPOSE**

**WHEREAS**, the City of Lawrenceville (hereinafter the City) has determined that it needs to acquire certain property to be used for public purposes including but not limited to green space, public park space, trails, trail heads, other related passive and active recreational uses, and the installation of public utilities; and

**WHEREAS**, the property that the City needs to acquire for these public purposes is described on Exhibit A, which is attached hereto and incorporated herein by reference (hereinafter the “Property”); and

**WHEREAS**, the City has determined that there is a public need and public use for the Property as described above; and

**WHEREAS**, the City has attempted to acquire the Property through negotiation with the owner; and

**WHEREAS**, the negotiations with the owner of the Property have been unsuccessful because the current owner is unable to provide good title to the Property due to existing title defects; and

**WHEREAS**, the Property has been appraised and the owner of the Property has been offered the fair market value of the Property as established by the appraisal; and

**WHEREAS**, the owner of the Property has been given due notice, as required by law, that this Resolution would be considered at a public meeting of City Council of the City on August 19, 2024, at a meeting to be convened at 7:00 p.m.; and

**WHEREAS**, a sign was posted on the Property giving notice that a Resolution to consider the approval of the use of Eminent Domain to acquire the Property would be considered at a public meeting of the City Council on August 19, 2024, more than fifteen (15) days prior to said public meeting; and

**WHEREAS**, a notice was published in the Gwinnett Daily Post giving notice that a Resolution to consider the approval of the use of Eminent Domain to acquire the Property would be considered at a public meeting of the City Council on August 19, 2024, fifteen (15) or more days prior to said public meeting.

**NOW THEREFORE**, the City Council of the City of Lawrenceville, Georgia hereby adopts the Whereas provisions of this Resolution as the findings of the City Council and further finds and

determines that the acquisition of the Property is necessary for a public purpose and that the circumstances are such that it is necessary that the Property described in Exhibit A be acquired by the use of eminent domain.

The City Council of the City of Lawrenceville, Georgia hereby resolves and ordains that the City shall proceed to acquire fee simple title in the Property herein described by condemnation under the provisions of Georgia law, and that the Attorney for the City is authorized and directed to file condemnation proceedings as provided by Georgia law to acquire said title and to take all other actions necessary and appropriate to obtain title to said Property as authorized by law.

**IT IS SO RESOLVED AND ORDAINED** this 19<sup>th</sup> day of August, 2024.

CITY OF LAWRENCEVILLE, GEORGIA

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David R. Still, Mayor

(SEAL)

Attest:

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Karen Pierce, City Clerk

## EXHIBIT A

### LEGAL DESCRIPTION

#### Gwinnett County Tax Parcel R5143 285

All that tract or parcel of land lying and being in Land Lot 143 of the 5<sup>th</sup> Land District, City of Lawrenceville, Gwinnett County, Georgia, and being more particularly described as follows:

##### PARCEL NO. ONE

All those tracts or parcels of land lying and being in Land Lot 143 of the 5<sup>th</sup> Land District, Gwinnett County, Georgia, in the City of Lawrenceville, being designated as Tract No. 2-B containing 1.2168 acres and Tract 4 containing 0.1725 acres on a plat of survey for Mrs. C.V. Jones by Hannon, Meeks and Bagwell, Surveyors and Engineers, Inc. dated November 13, 1985, as revised September 18, 1989, and more particularly described as follows:

TO LOCATE THE TRUE PLACE OR POINT OF BEGINNING, begin at a point on the Southerly right of way line of West Pike Street, aka Ga. Hwy, No. 120 (72-foot right of way) located 204.08 feet Westerly from the intersection of the Southerly right of way line of West Pike Street, aka Ga. Hwy. No. 120 with the centerline of Langley Drive; run thence South 6 degrees 14 minutes 28 seconds West 485.69 feet to a point marked by an axle found; run thence South 78 degrees 34 minutes 42 seconds West 359.23 feet to a point marked by an iron pin set. WHICH IS THE TRUE PLACE OR POINT OF BEGINNING; from said beginning point as thus established run South 78 degrees 34 minutes 42 seconds West a total distance of 314.51 feet to a point marked by an axle found; run thence North 41 degrees 48 minutes 23 seconds East 175.00 feet to an iron pin set; run thence North 13 degrees 11 minutes 37seconds West 59.00 feet to an iron pin; run thence South 83 degrees 15 minutes 19 seconds West 226.00 feet to an iron pin; thence North 66 degrees 33 minutes 16 seconds East 347.76 foot to a point; run thence South 75 degrees 28 minutes 13 seconds East 101.88 feet to an iron pin; run thence South 03 degrees 12 minutes 13 seconds East 212.20 feet to a point marked by an iron pin, which is the place or point of beginning.

##### PARCEL NO. TWO

All tract or parcel of land lying and being in Land Lot 143 of the 5<sup>th</sup> Land District, Gwinnett County, Georgia, in the City of Lawrenceville, being designated as Tract 5 containing 0.0356 acres on a plat of survey for Mrs. C.V. Jones by Hannon, Meeks and Bagwell, Surveyors and Engineers, Inc. dated November 13, 1985, as revised September 18, 1989, and more particularly described as follows:

TO LOCATE THE TRUE PLACE OR POINT OF BEGINNING, begin at a point on the Southerly right of way line of West Pike Street, aka Ga. Hwy No. 120 (72 foot right of way) located 204.08 feet Westerly from the intersection of the Southerly right of way line of West Pike Street, aka Ga. Hwy, No. 120 with the centerline of Langley Drive; run thence South 6 degrees 14 minutes 28 seconds West 485.69 feet to a point marked by an axle found; run thence South 78 degrees 34 minutes 42 seconds West 673.74 feet to a point marked by an axle found. WHICH IS THE TRUE

PLACE OR POINT OF BEGINNING: from said beginning point as thus established, run thence South 32 degrees 05 minutes 37 seconds East 151.78 feet to a point marked by an iron pin; run thence South 41 degrees 57 minutes 02 seconds West 10.40 feet to a point on the northeasterly right of way line of Pinetree Drive (50 foot right of way): run thence e along said right of way line North 32 degrees 05 minutes 37 seconds West 154.47 feet to an iron pin: continue thence along said right of way line North 34 degrees 05 minutes 00 seconds West 4.00 feet to a point; run thence North 78 degrees 34 minutes 42 seconds East 10.84 feet to a point marked by and axle found, which is the true place or point of beginning.