

State of Georgia
County of DeKalb

A RESOLUTION TO AUTHORIZE THE ACQUISITION OF CERTAIN REAL PROPERTY LOCATED AT 2954 FAIRINGTON PARKWAY 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 STONECREST; AND TO AUTHORIZE ALL OTHER LAWFUL PURPOSES RELATED TO ACQUIRING FEE SIMPLE INTEREST OF SAID PROPERTY.

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

WHEREAS, the City is authorized under Article 1, Section 3, Paragraph 1 of the Georgia Constitution to exercise the power of eminent domain to take private property for public use upon payment of just compensation to the owner of said private property; and

WHEREAS, Section 22-1-1 of the Official Code of Georgia Annotated establishes that “public use” includes “[t]he possession, occupation, or use of the land by the general public or by state or local governmental entities” and

WHEREAS, the City has an existing Botanical Gardens Project (“the Project”) which is being designed and developed for the recreational use, benefit and enjoyment of its citizens as well as the public at large; and

WHEREAS, the site of the Project is located at the southern terminus of Fairington Parkway (“Project Site”); and

WHEREAS, the real property located at 2954 Fairington Parkway, Stonecrest, Georgia, DeKalb County Parcel Identification No. 16 074 03 012, is physically situated near, adjacent and/or otherwise in close proximity to the Project Site (“Subject Property”); and

WHEREAS, the duly elected governing authority of the City is the Mayor and City Council and deem it in the best interest of the citizens of Stonecrest to acquire, for public use, the Subject Property as part of the design and development of the Project; and

WHEREAS, Title 22 of the Official Code of Georgia Annotated establishes the requirements and procedures by which a municipality shall exercise the power of eminent domain; and

WHEREAS, the governing authority of the City has abided by and will continue to abide by the requirements and procedures set forth in Title 22 of Official Code of Georgia Annotated and has determined that such exercise of eminent domain is necessary and proper.

THEREFORE, IT IS HEREBY RESOLVED the Mayor and City Council of the City of Stonecrest, declares as follows:

1. There is a public necessity and use for the City of Stonecrest to acquire the rights, wholly and in fee simple interest of the property located at 2954 Fairington Parkway, Stonecrest, Georgia 30038, DeKalb County Tax Parcel Identification No. 16 074 03 012.
2. The City of Stonecrest is authorized to acquire by voluntary acquisition and if necessary, exercise its power of eminent domain, to acquire the fee simple interest of the property located at 2954 Fairington Parkway, Stonecrest, Georgia 30038, DeKalb County Tax Parcel Identification No. 16 074 03 012.
3. The Mayor is authorized to execute all necessary documents and perform all necessary acts necessary or prudent to effectuate the intent of this Resolution.
4. The City Attorney is authorized to take all necessary and legal acts necessary or prudent to effectuate the intent of this Resolution.

IT IS SO RESOLVED this ____ day of August, 2024.

Jazzmin S. Cobble, Mayor
City of Stonecrest

Sonya Isom, City Clerk
City of Stonecrest