



Agenda
City of Bainbridge, Georgia
Special Called Meeting - Mayor and City Council
September 6, 2022 - 6:30p.m. - City Council Chambers



- I. INVOCATION and PLEDGE TO THE FLAG
- II. PUBLIC HEARING – ACQUISITION OF PARCELS FOR CDBG PROJECT
- III. CONSIDERATION OF CONDEMNATION RESOLUTION
- IV. PRESENTATION OF FY 2023 OPERATING BUDGET

RESOLUTION

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BAINBRIDGE, GEORGIA AUTHORIZING THE ACQUISITION OF CERTAIN PARCELS OF LAND LOCATED WITHIN THE CITY LIMITS OF THE CITY OF BAINBRIDGE FOR THE CONSTRUCTION, MAINTENANCE AND OPERATION OF A STORM WATER DRAINAGE FACILITY SERVING THE CITY OF BAINBRIDGE.

WHEREAS, the Mayor and City Council of the City of Bainbridge, Georgia possess the power of eminent domain as provided in Official Code of Ga. Ann., Title 22, Chapter 2, et. seq.; and

WHEREAS, the Mayor and City Council of City of Bainbridge, Georgia have determined that it is in the public interest and benefit to acquire the following described parcels of real estate for the public purpose of constructing, maintaining and operating of a storm water drainage facility serving the City of Bainbridge:

PARCEL 1:

[1300 Martin Luther King, Jr. Drive, Bainbridge, GA; Decatur Tax Map Parcel B62-28]

All of Lot 1 of Block “A” of the Thronateeska Subdivision in the City of Bainbridge, Decatur County, Georgia, according to a plat of said subdivision recorded in Book H-4, Page 229, Land Records of Decatur County, Georgia.

PARCEL 2:

[Decatur County Tax Map Parcel B62-27]

All of Lot 2 of Block “A” of the Thronateeska Subdivision in the City of Bainbridge, Decatur County, Georgia, according to a plat of said subdivision recorded in Book H-4, Page 229, Land Records of Decatur County, Georgia.

PARCEL 3:

[Decatur County Tax Map Parcel B62-31]

All of City Lot Number 12 in Thronateeska Subdivision to the City of Bainbridge, in Decatur County, Georgia. Said lot being described as Lot Number 12 in Block “A” of said Subdivision, a plat of said subdivision being recorded in Deed Book H-4, at Page 229, records of deeds for Decatur Count, Georgia.

PARCEL 4:

[1309 Water Street, Bainbridge, GA; Decatur County Tax Map Parcel B62-52]

All that certain Lot No. 12 in Block “D” of the Thronateeska Subdivision in the City of Bainbridge, Decatur County, Georgia, according to a plat of said subdivision which is recorded in Deed Book H.4, Page 229, Records of Deeds for Decatur County, Georgia.

PARCEL 5:

[Decatur County Tax Map Parcel B62-53]

That certain Lot #12 in Block “D” of the Thronateeska Subdivision in the City of Bainbridge, Decatur County, Georgia, according to a plat of said division which is recorded in Deed Book H-4, Page 229, records of deed for Decatur County, Georgia.

[Parcels 1 through 5 above are individually referred to herein as a “Parcel” and collectively referred to the “Properties”].

WHEREAS, on September 6, 2022 at 6:30 p.m., after due advertisement and notice, the City held a public hearing at City Hall for the purpose of considering condemnation of the Subject Property by the City;

WHEREAS, it is necessary and appropriate and in the best interests of the citizens of the the City, that the City exercise its power of eminent domain to take title to the Subject Property.

WHEREAS, the Mayor and City Council of City of Bainbridge, Georgia hereby declare that the Properties are to be acquired acquire by *in rem* condemnation action for a specific public purpose or use, which in this case is the construction, maintenance and operation of a storm water drainage facility serving the City of Bainbridge:

WHEREAS, an appraiser familiar with real estate values in Decatur County, Georgia, was employed to appraise the Properties and has estimated just and adequate compensation of the Properties as follows:

Parcel 1 – \$3,800.00

Parcel 2 – \$3,400.00

Parcel 3 – \$3,100.00

Parcel 4 – \$3,800.00

Parcel 5 – \$3,300.00

WHEREAS, the City has obtained title examinations of the Properties showing that the true record ownership of a number of the Parcels composing the Properties are doubtful;

WHEREAS, it will be necessary to institute condemnation proceedings in the Decatur County Superior Court to acquire the Properties in the event the true owners thereof cannot be ascertained or of the true owner thereof is unwilling to sell such Parcel through negotiation at the appraised value;

WHEREAS, the putative owners of the Properties (being the parties receiving property tax assessments from the Decatur County Tax Commissioner) have been given written notice of the City's appraised values as set forth above and of the City's intention to proceed with condemnation action;

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

1. That the public necessity for acquiring the Properties for the above stated purposes is hereby declared;
2. Further, a finding is hereby made that the circumstances are such that it is necessary to proceed with *in rem* condemnation proceedings under the provisions of Official Code of Ga. Ann., Title 22, Chapter 2, et. seq. for the acquisition of fee simple title to the Properties for the public purpose of constructing, maintaining and operating of a storm water drainage facility serving the City of Bainbridge;
3. That the City Attorney is authorized and directed by this Resolution to institute, pursuant to Official Code of Ga. Ann., Title 22, Chapter 2, et. seq. a petition in the name of the Mayor and the City Council of the City of Bainbridge, Georgia, for a judgment *in rem* against the Properties; That the City Attorney is authorized and directed by this Resolution to institute condemnation proceedings in the name of the Mayor and the City Council of the City of Bainbridge, Georgia for the quick and effective condemnation of the Properties in any manner authorized under Official Code of Ga. Ann., Title 22, Chapter 2, et. seq. as determined by the City Attorney;
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 condemnation of the Properties 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.
5. If any article, section, paragraph, sentence, clause, or phrase of this Resolution is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Resolution. The City Council hereby declares that it would have passed this Resolution and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

THIS RESOLUTION WAS PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ON September 6, 2022 and is hereby entered in full in the minutes and records of the City as of this date.

CITY OF BAINBRIDGE

Edward Reynolds, Mayor

ATTEST:

CITY CLERK

(SEAL)