



Agenda
City of Bainbridge, Georgia
Regular Session - Mayor and City Council
May 17, 2022, 6:30 p.m. - City Council Chambers



- I. INVOCATION and PLEDGE TO THE FLAG
- II. APPROVAL OF MINUTES OF REGULAR SESSION – April 19, 2022
- III. RECOGNIZE VISITORS AND DELEGATIONS
- IV. PROCLAMATION – MENTAL HEALTH MONTH
- V. STREET CLOSURE REQUEST
- VI. CONSIDERATION OF ALCOHOLIC BEVERAGE LICENSE APPLICATION
- VII. PUBLIC HEARING – PROPOSED CONDEMNATION ACTIONS
- VIII. INTRODUCTION TO TEXT AMENDMENT – NUISANCE ORDINANCE
- IX. RESOLUTION – DECATUR COUNTY HAZARD MITIGATION PLAN
- X. DISCUSSION OF SECOND QUARTER FINANCIALS
- XI. DIVISION PRESENTATION – COMMUNITY & ECONOMIC DEVELOPMENT

MINUTES
CITY OF BAINBRIDGE, GEORGIA
TUESDAY, APRIL 19, 2022
6:30 P.M.

PRESENT: MAYOR EDWARD REYNOLDS, PRESIDING

COUNCIL MEMBERS: KREGG CLOSE, DON WHALEY, GLENNIE BENCH,
ROSLYN PALMER, PHIL LONG, AND SYLVIA
WASHINGTON

CITY STAFF: CITY MANAGER CHRIS HOBBY, ROY OLIVER, ALLIE
GODWIN, STEVE O'NEIL, LISA TAYLOR, CRYSTAL
HINES, FRANK GREEN, REDELL WALTON, RYAN
WIMBERLEY, AND MEGAN WIMBERLEY

GUESTS: JILL HOLLOWAY, MICHAEL TARNOW, SCOTTIE
CAMPBELL, HENRY CHOICE, VIC HILL, DOROTHY
JOHNSON, RAY JORDAN, TRACY BUIS, SPUD BOWEN,
AND JUNE FAIRCLOTH.

ABSENT: NONE

INVOCATION AND PLEDGE TO THE FLAG

Councilwoman Bench gave the invocation and all those assembled pledged allegiance to the flag.

APPROVAL OF MINUTES

Upon a motion offered by Councilwoman Bench and seconded by Councilwoman Palmer, the Council voted 6-0 to approve the minutes from the March 15, 2022, council meeting as presented.

RECOGNIZE VISITORS AND DELEGATIONS

Mayor Reynolds opened the floor for anyone who wish to speak on an item that was currently not on the agenda. Mr. Henry Choice of 141 Flemming Road came forward to discuss an issue he was having. Hearing from no other person, Mayor Reynolds proceeded to the next item on the agenda.

EMPLOYEE OF THE QUARTER

Mayor Reynolds presented Megan Wimberley with Employee of the Quarter and thanked her for a job well done.

PROCLAMATION – DONATE LIFE

Mayor Reynolds read and presented a proclamation designating April as “Donate Life Month” within the City of Bainbridge.

PUBLIC HEARING – CDBG 2022

Upon a motion offered by Councilman Whaley and seconded by Councilman Close, the council voted 6-0 to enter into public hearing to allow the public the opportunity to provide the City with ideas concerning potential Community Development Block Grant (CDBG) projects. Hearing no public comment, Councilwoman Palmer made a motion to close the public hearing. Councilman Close made a second motion and the council voted 6-0 to close the public hearing regarding CDBG.

RESOLUTION – CDBG 2022

Upon a motion offered by Councilwoman Bench and seconded by Councilwoman Palmer, the council voted 6-0 to approve the resolution to prepare and submit a CDBG application for the 2022 funding cycle.

PUBLIC HEARING – DEMOLITION ORDINANCE

Mayor Edward Reynolds informed those assembled that this meeting had been advertised as the time and place for a public hearing on the demolition ordinance. Upon a motion offered by Councilwoman Washington and seconded by Councilwoman Bench, the council voted 6-0 to

open the public portion of the meeting. Hearing no public comment, a motion was made by Councilwoman Palmer to close the public hearing. The motion was seconded by Councilman Close and unanimously carried in a 6-0 vote by council.

CONSIDERATION OF DEMOLITION ORDINANCE

Upon a motion from Councilwoman Bench and seconded by Councilwoman Washington, the Council voted 6-0 to adopt the demolition ordinance as presented.

RESOLUTION – MGAG VOTING DELEGATE

Upon a motion offered by Councilwoman Bench and seconded by Councilwoman Washington, the Council voted 6-0 to adopt a resolution appointing Chris Hobby as the city's voting delegate and Kevin Maxwell as the city's alternate to serve on the Municipal Gas Authority of Georgia's Election Committee.

MAYORAL APPOINTMENTS

Mayor Reynolds recommended reappointing Mrs. Ann Arial and Mrs. Celeste Burke to the Library Board. Upon a motion offered by Councilwoman Palmer and seconded by Councilman Close, the Council voted 6-0 to approve the recommendations of the Mayoral Appointments.

SPECIAL GUEST – VIC HILL

Mr. Vic Hill and other representatives of ABM appeared before the council with a presentation regarding ways to develop and implement improvements to city facilities, environmental systems & infrastructures.

CONSENT AGENDA

Bill:

1. GIRMA
Property & Liability Insurance
Atlanta, GA

\$271, 119.00

Bids:

1. Ten – 8 Fire & Safety, LLC
Top Mount Triple Combination Fire Truck
Bradenton, FL \$521,195.00

2. Ten – 8 Fire & Safety, LLC
2023 Custom Fire Truck
Bradenton, FL \$728,850.00

Upon a motion offered by Councilman Long and seconded by Councilman Long, the Council voted 6-0 to pay the bill and accept the bids.

ADJOURNMENT

With there being no further business, Mayor Reynolds adjourned the meeting at 7:30 p.m.

BY:

EDWARD REYNOLDS, MAYOR

ATTEST:

ALLIE GODWIN, COUNCIL CLERK

Office of the Mayor
Mental Health Month Proclamation

- WHEREAS:** One in four adults experience a mental health disorder in a given year; and
- WHEREAS:** One in 17 adults lives with a serious mental illness such as schizophrenia, major depression, or bipolar disorder; and
- WHEREAS:** Approximately one in ten children live with a serious mental or emotional disorder; and
- WHEREAS:** People living with mental illnesses can recover if given the necessary services and support in their communities; and
- WHEREAS:** Fewer than one-third of adults and one-half of children with a diagnosable mental disorder receive mental health services in a given year; and
- WHEREAS:** Many people who would benefit from mental health services avoid seeking help due to stigma and fear of discrimination; and
- WHEREAS:** Greater public awareness about mental illnesses can change negative attitudes toward people with mental illnesses; NOW

NOW, THEREFORE, I, Edward Reynolds, serving as Mayor of the City of Bainbridge, Georgia, do hereby proclaim the month of May as **MENTAL HEALTH MONTH** in the City of Bainbridge. I also call upon our citizens, government agencies, public and private institutions, businesses and schools to commit to increasing awareness and understanding of mental illnesses, to fight stigma and discrimination, and to promote appropriate and accessible services for all people living with mental illnesses.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of this City to be affixed this seventeenth day of May in the year of our Lord 2022.

Mayor: _____
Edward Reynolds, Mayor

Attest: _____
Allie Godwin, City Clerk

visit BAINBRIDGE

May 17, 2022

The Bainbridge Convention and Visitors Bureau requests the closure of Broughton Street between Broad and West, West Street between Broughton and Water and Water Street between West and Broad on June 3 from 4:00 PM to 10:00 PM. The USTA Combo Over 40 State Championship Tournament will be holding their Player Party in Willis Park during that time and would like for the players and spouses to safely be able to visit shops and restaurants during their party. Downtown merchants have been made aware of their Players Party that evening.

Thank you in advance.



Crystal Hines
Executive Director
Visit Bainbridge

City of
BAINBRIDGE
GEORGIA

City of Bainbridge Alcohol License Checklist

LICENSE # 1358

CITY COUNCIL MEETING DATE 5/17/2022

NEW RENEWAL AMENDED

TYPE OF LICENSE APPLYING FOR:

CLASSIFICATION OF LICENSE						
Distilled Spirits	Package Store	Malt Beverage Retail	Wine Package Retail	Malt Beverage Consumption Retail	Wine Consumption Retail	Bar
Consumption Fee: \$2,400.00	Fee: \$3,125.00	Fee: \$150.00	Fee: \$200.00	Fee: \$300.00	Fee: \$300.00	Fee: \$4,800.00
Late Fee: \$100	Late Fee: \$100.00	Late Fee: 100.00	Late Fee: \$100.00	Late Fee: \$100.00	Late Fee: \$100.00	Late Fee: \$100.00

Amended Fee: \$100 Initial Application Fee: \$100

NAME OF BUSINESS Vedant Food LLC dba Lias Lomas

STREET ADDRESS OF BUSINESS 801 E. Water St.

NAME OF APPLICANT/OWNER Hetaakumar Bhorania

NAME OF MANAGER Hetaakumar Bhorania

- Completed Application ✓
- Paid Fee ✓
- Signature of Applicant and/or Property Owner
- Distance statement and Approval from Chief Marshall/Building Official MP
- Personal Statement ✓
- Notarized Affidavits if applicable (*required for new owner and manager*) ✓
- Copy of Driver's License or current Photo Identification ✓
- Background Check Payment: YES NO
- Privacy Rights (Applicant retains a copy) ✓
- Approval by Director of Public Safety _____
- Approval by Director of Administrative Services _____
- Approval by City Manager and/or, Mayor and City Council _____

KENDRICK LAW FIRM LLC
ATTORNEYS AT LAW
415 S. WEST STREET
BAINBRIDGE, GEORGIA 39819

DAVID A. KENDRICK
DAVID JACKSON KENDRICK

March 21, 2022

TELEPHONE (229) 246-5694
TELECOPIER (229) 246-6732
P.O. BOX 1026
BAINBRIDGE, GA 39818

VIA CERTIFIED MAIL RETURN RECEIPT
REQUESTED ARTICLE NO. 7020 2450 0000 5982 6284

Ms. Eunice White
c/o Isaac S. Williams, Jr
P.O. Box 701833
Dallas, TX 75370-1833

RE: 1300 M.L. King, Jr. Drive
Bainbridge, Ga.
Decatur County Tax Map Parcel B62-28

Dear Sir or Madam:

This letter is to advise you of the City of Bainbridge's intent in acquiring the property owned by you as indicated on the attached plat. The City of Bainbridge has received a federal grant for constructing storm drainage improvements in northeast Bainbridge and the property is needed for enlarging a storm water detention pond.

A brochure entitled "When a Public Agency Acquires your Property", which details the City's procedure for acquiring property is enclosed for your information. In general, property owners are entitled to receive fair market value for the property, but may donate the property if they so desire.

The City of Bainbridge has engaged an independent appraiser to determine the value of the property. A copy of the completed appraisal will be made available to you.

As a part of the appraisal process, you may be present when the appraiser visits the property. This visit will occur on Wednesday, April 6, 2022 at 10:00 A.M. If you are interested in being present, please contact me at (229) 246 5694.

Very truly yours,

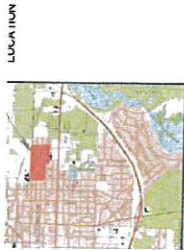
KENDRICK LAW FIRM, LLC



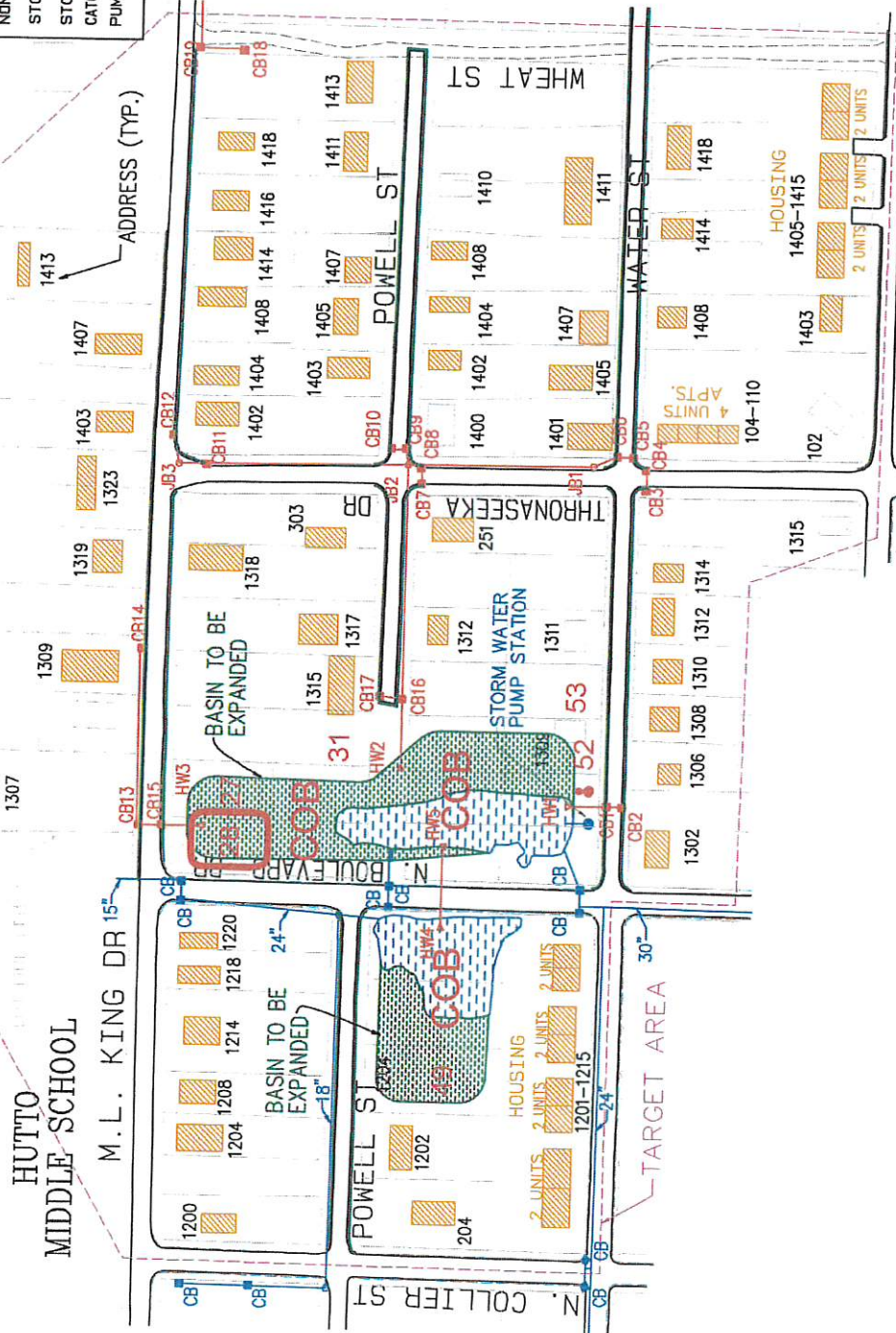
David A. Kendrick
as attorney for City of Bainbridge

DAK:aeb

cc: Mr. Chris Hobby (via email)
Mr. Roy Oliver (via email)
Mr. Tom Conger (via email)
Mr. Watson Sasser (via email)

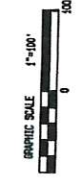


PAVED STREET (NO CURB/GUTTER)	(EXISTING)	(PROPT)
PAVED STREET WITH CURB/GUTTER		
DIRT ROAD		
OCCUPIED HOUSE		
ABANDONED HOUSE		
NON-RESIDENTIAL BUILDING		
STORMWATER BASIN		
STORM LINE		
CATCH BASIN/JUNCTION BOX		
PUMP STATION		



Parcel 28 Eunice White
 C/O Issac S. Williams Jr
 PO Box 701833
 Dallas Tx 75370-1833
 B0620028

FIGURE 3
PROPOSED STORM DRA
WHEAT ST NEIGHBOR
PHASE III
STORM DRAINAGE
IMPROVEMENTS
 City of Bainbric
YORK & ASSOCI
ENGINEERING
 308 E. Water Street, Bainbridge, Ga 3081



BROUGHTON ST
 JONES-WHEAT
 ELEMENTARY SCHOOL

KENDRICK LAW FIRM LLC
ATTORNEYS AT LAW
415 S. WEST STREET
BAINBRIDGE, GEORGIA 39819

DAVID A. KENDRICK
DAVID JACKSON KENDRICK

March 21, 2022

TELEPHONE (229) 246-5694
TELECOPIER (229) 246-6732
P.O. BOX 1026
BAINBRIDGE, GA 39818

VIA CERTIFIED MAIL RETURN RECEIPT
REQUESTED ARTICLE NO. 7020 2450 0000 5982 6291

Mr. Timothy Cleveland
Ms. Betty W. Williams
1951 1st Ave. SW
Cairo, GA 39828

**RE: Lot 2 of Block "A" of the Thornateeska Subdivision
Bainbridge, Decatur County, Ga
Decatur County Tax Map Parcel B62-27**

Dear Sir or Madam:

This letter is to advise you of the City of Bainbridge's intent in acquiring the property owned by you as indicated on the attached plat. The City of Bainbridge has received a federal grant for constructing storm drainage improvements in northeast Bainbridge and the property is needed for enlarging a storm water detention pond.

A brochure entitled "When a Public Agency Acquires your Property", which details the City's procedure for acquiring property is enclosed for your information. In general, property owners are entitled to receive fair market value for the property, but may donate the property if they so desire.

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Very truly yours,

KENDRICK LAW FIRM, LLC



David A. Kendrick
as attorney for City of Bainbridge

DAK:aeb

cc: Mr. Chris Hobby (*via email*)
Mr. Roy Oliver (*via email*)
Mr. Tom Conger (*via email*)
Mr. Watson Sasser (*via email*)

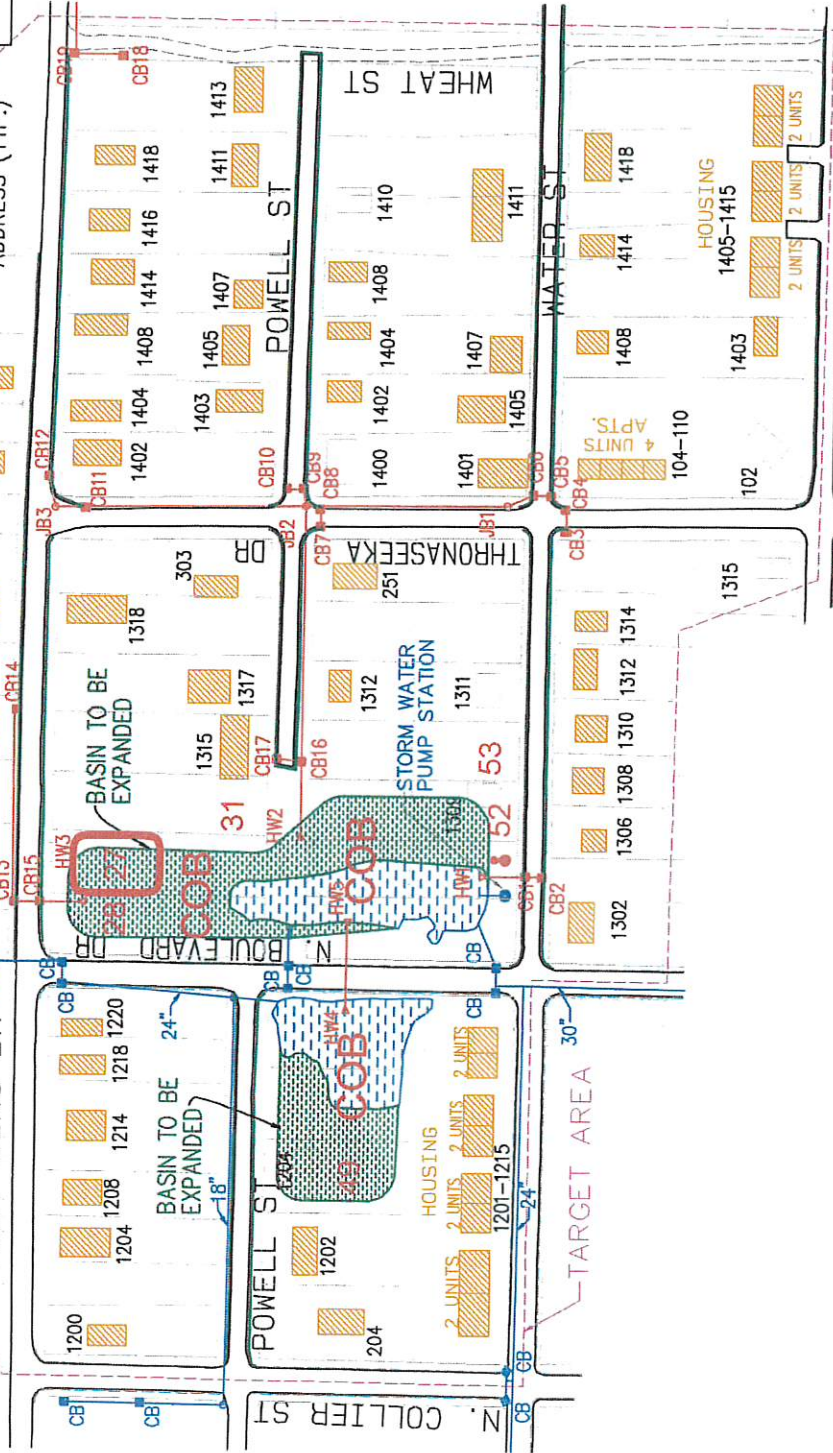
LOCAL MAP



VICINITY MAP

HUTTO MIDDLE SCHOOL

M.L. KING DR 15"



BROUGHTON ST
JONES-WHEAT
ELEMENTARY SCHOOL

Parcel 27
Timothy Cleveland
1951 1st Ave
Cairo Ga 39828
B0620027

FIGURE 3
PROPOSED STORM DRAINAGE
WHEAT ST NEIGHBORHOOD
PHASE III
STORM DRAINAGE IMPROVEMENTS
 City of Bainbridge
YORK & ASSOCIATES
 ENGINEERING
 308 E. Water Street, Bainbridge, Ga. 30811

(EXISTING)	(PROPOSED)

KENDRICK LAW FIRM LLC
ATTORNEYS AT LAW
415 S. WEST STREET
BAINBRIDGE, GEORGIA 39819

DAVID A. KENDRICK
DAVID JACKSON KENDRICK

March 21, 2022

TELEPHONE (229) 246-5694
TELECOPIER (229) 246-6732
P.O. BOX 1026
BAINBRIDGE, GA 39818

VIA CERTIFIED MAIL RETURN RECEIPT
REQUESTED ARTICLE NO. 7020 2450 0000 5982 6307

Ms. Phyllis Grimsley Travis
1018 Old Quincy Road
Bainbridge, GA 39819

**RE: Lot 12 of Block "A" of the Thornateeska Subdivision
Bainbridge, Decatur County, Ga
Decatur County Tax Map Parcel B62-31**

Dear Sir or Madam:

This letter is to advise you of the City of Bainbridge's intent in acquiring the property owned by you as indicated on the attached plat. The City of Bainbridge has received a federal grant for constructing storm drainage improvements in northeast Bainbridge and the property is needed for enlarging a storm water detention pond.

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David A. Kendrick
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DAK:aeb

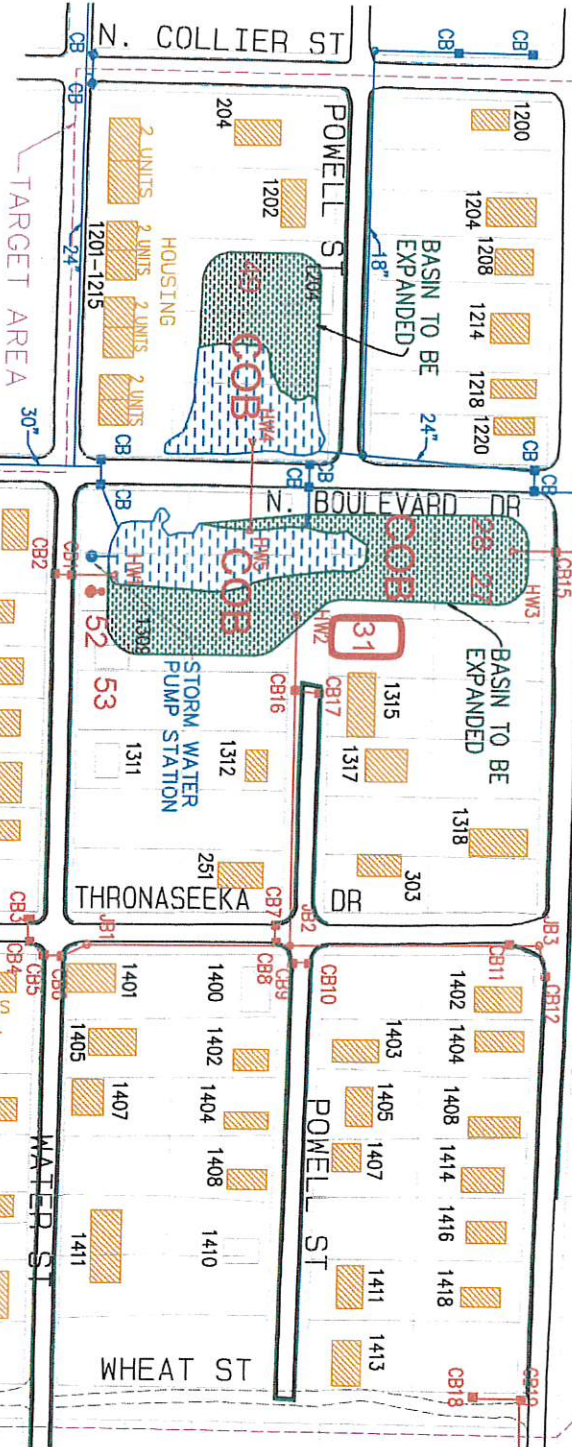
cc: Mr. Chris Hobby (via email)
Mr. Roy Oliver (via email)
Mr. Tom Conger (via email)
Mr. Watson Sasser (via email)



LOCATION

HUTTO
MIDDLE SCHOOL

M. L. KING DR 15'



(EXISTING)	(PROPOSED)
PAVED STREET (NO CURB/GUTTER)	PAVED STREET (NO CURB/GUTTER)
PAVED STREET WITH CURB/GUTTER	PAVED STREET WITH CURB/GUTTER
DIRT ROAD	DIRT ROAD
OCCUPIED HOUSE	OCCUPIED HOUSE
ABANDONED HOUSE	ABANDONED HOUSE
NON-RESIDENTIAL BUILDING	NON-RESIDENTIAL BUILDING
STORMWATER BASIN	STORMWATER BASIN
STORM LINE	STORM LINE
CATCH BASIN/JUNCTION BOX	CATCH BASIN/JUNCTION BOX
PUMP STATION	PUMP STATION

Parcel 31
 Travis Phyllis Grimsley
 1018 Old Quincy Rd
 Bainbridge GA 39819
 B0620031

PHYLLIS D Travis
 P O BOX 721
 BAINBRIDGE, GA 39818



BROUGHTON ST
 JONES-WHEAT
 ELEMENTARY SCHOOL

FIGURE 3

PROPOSED STORM DRAINAGE
 WHEAT ST NEIGHBORHOOD
 PHASE III
 STORM DRAINAGE
 IMPROVEMENTS
 City of Bainbridge

YORK & ASSOCIATES
 ENGINEERING
 308 E. Water Street, Bainbridge, GA 39811

KENDRICK LAW FIRM LLC

ATTORNEYS AT LAW

415 S. WEST STREET

BAINBRIDGE, GEORGIA 39819

DAVID A. KENDRICK
DAVID JACKSON KENDRICK

March 21, 2022

TELEPHONE (229) 246-5694
TELECOPIER (229) 246-6732
P.O. BOX 1026
BAINBRIDGE, GA 39818

VIA CERTIFIED MAIL RETURN RECEIPT
REQUESTED ARTICLE NO. 7020 2450 0000 5982 6314

Ms. Eunice A. Andrews
c/o Allie Mae Gibbons and Bernard Black
17150 NW 24th Avenue
Miami Gardens, FL 33056

**RE: 1309 Water Street
Bainbridge, Decatur County, Ga
Decatur County Tax Map Parcel B62-52**

Dear Sir or Madam:

This letter is to advise you of the City of Bainbridge's intent in acquiring the property owned by you as indicated on the attached plat. The City of Bainbridge has received a federal grant for constructing storm drainage improvements in northeast Bainbridge and the property is needed for enlarging a storm water detention pond.

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Very truly yours,

KENDRICK LAW FIRM, LLC



David A. Kendrick
as attorney for City of Bainbridge

DAK:aeb

cc: Mr. Chris Hobby (via email)
Mr. Roy Oliver (via email)
Mr. Tom Conger (via email)
Mr. Watson Sasser (via email)

KENDRICK LAW FIRM LLC
ATTORNEYS AT LAW
415 S. WEST STREET
BAINBRIDGE, GEORGIA 39819

DAVID A. KENDRICK
DAVID JACKSON KENDRICK

March 21, 2022

TELEPHONE (229) 246-5694
TELECOPIER (229) 246-6732
P.O. BOX 1026
BAINBRIDGE, GA 39818

VIA CERTIFIED MAIL RETURN RECEIPT
REQUESTED ARTICLE NO. 7020 2450 0000 5982 6338

Mr. Buford Anderson
c/o Allie Mae Gibbons
17150 NW 24th Avenue
Miami Gardens, FL 33056

**RE: Lot 12, Block "D", Thornateeska Subdivision
Bainbridge, Decatur County, Ga
Decatur County Tax Map Parcel B62-53**

Dear Sir or Madam:

This letter is to advise you of the City of Bainbridge's intent in acquiring the property owned by you as indicated on the attached plat. The City of Bainbridge has received a federal grant for constructing storm drainage improvements in northeast Bainbridge and the property is needed for enlarging a storm water detention pond.

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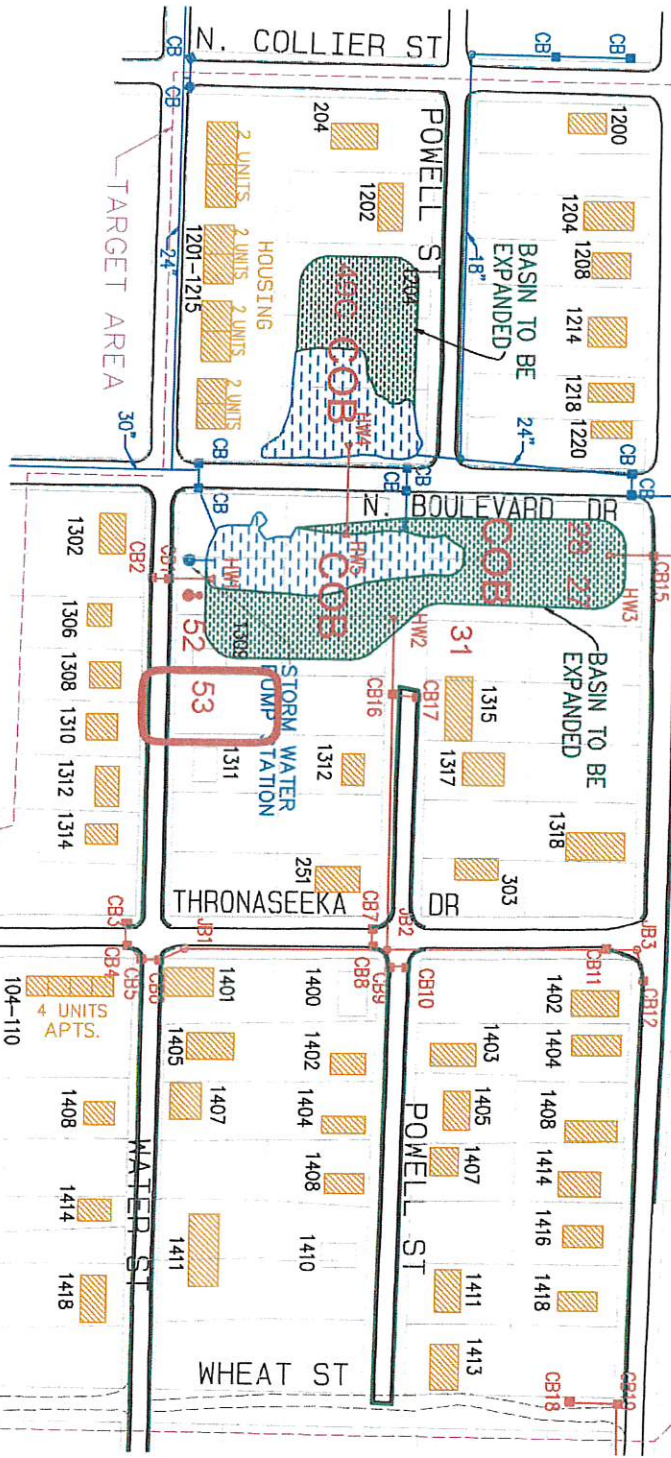
David A. Kendrick
as attorney for City of Bainbridge

DAK:aeb

cc: Mr. Chris Hobby (via email)
Mr. Roy Oliver (via email)
Mr. Tom Conger (via email)
Mr. Watson Sasser (via email)



LOCATION



Parcel 53
 Buford Anderson
 % Allie Mae Gibbons
 17150 NW 24th AVE
 Miami, FL 33056
 B0620053

BROUGHTON ST
 JONES-WHEAT
 ELEMENTARY SCHOOL



FIGURE 3

PROPOSED STORM DRAINAGE

WHEAT ST NEIGHBOR PHASE III

STORM DRAINAGE IMPROVEMENTS

City of Bainbridge

YORK & ASSOCIATES
 ENGINEERING

308 E. Water Street, Bainbridge, GA 30911

KENDRICK LAW FIRM LLC
ATTORNEYS AT LAW
415 S. WEST STREET
BAINBRIDGE, GEORGIA 39819

DAVID A. KENDRICK
DAVID JACKSON KENDRICK

March 21, 2022

TELEPHONE (229) 246-5694
TELECOPIER (229) 246-6732
P.O. BOX 1026
BAINBRIDGE, GA 39818

VIA CERTIFIED MAIL RETURN RECEIPT
REQUESTED ARTICLE NO. 7020 2450 0000 5982 6321

Mr. James Turner Benton, Sr.
4 Shepherd Hall Road
Colquitt, GA 39837

RE: 1204 Powell St.
Bainbridge, Decatur County, Ga
Decatur County Tax Map Parcel B62-49C

Dear Sir or Madam:

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as attorney for City of Bainbridge

DAK:aeb

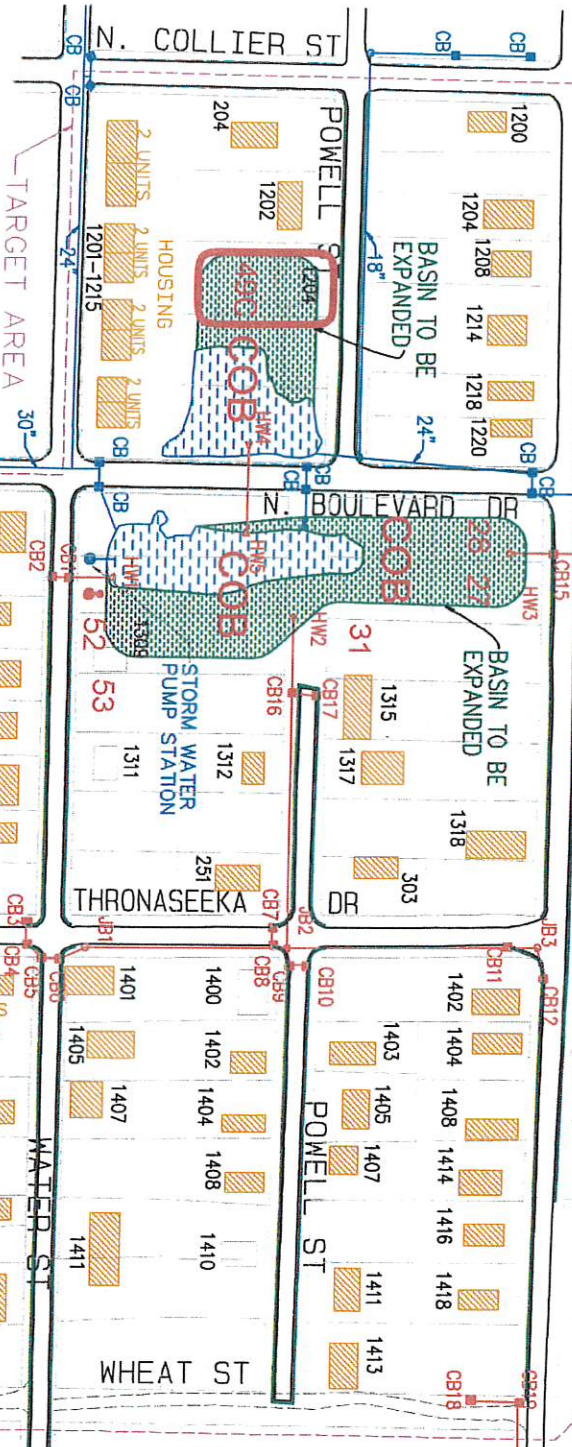
cc: Mr. Chris Hobby (via email)
Mr. Roy Oliver (via email)
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LOCATION

HUTTO
MIDDLE SCHOOL

M. L. KING DR 15'

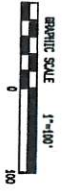


TARGET AREA

ADDRESS (TYP.)

	(EXISTING)		(PROPOSED)
	PAVED STREET (NO CURB/GUTTER)		ABANDONED HOUSE
	PAVED STREET WITH CURB/GUTTER		NON-RESIDENTIAL BUILDING
	DIRT ROAD		STORMWATER BASIN
	OCCUPIED HOUSE		STORM LINE
	ABANDONED HOUSE		CATCH BASIN/JUNCTION BOX
	NON-RESIDENTIAL BUILDING		PUMP STATION
	STORMWATER BASIN		
	STORM LINE		
	CATCH BASIN/JUNCTION BOX		
	PUMP STATION		

Parcel 49C
1204 Powell Street
James T Benton Sr.
6 Shepherd Hall Rd.
Colquitt Ga 39837
B0620049C00



BROUGHTON ST
JONES - WHEAT
ELEMENTARY SCHOOL

FIGURE 3

PROPOSED STORM DRAINAGE

WHEAT ST NEIGHBOR PHASE III

STORM DRAINAGE IMPROVEMENTS

City of Bainbridge

YORK & ASSOCIATES
ENGINEERING

308 E. Water Street, Bainbridge, Ga 30811

WHEN A PUBLIC AGENCY ACQUIRES YOUR PROPERTY

**U.S. Department of Housing
and Urban Development
Office of Community Planning
and Development**

www.hud.gov/relocation

Introduction

This booklet describes important features of the **Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970**, as amended (URA) and provides general information about public acquisition of real property (real estate) that should be useful to you.

Most acquisitions of real property by a public agency for a Federal project or a project in which Federal funds are used are covered by the URA. If you are notified that your property will be acquired for such a project, it is important that you learn your rights under this important law.

This booklet may not answer all of your questions. If you have more questions about the acquisition of your property, contact the Agency responsible for the project. (Check the back of this booklet for the name of the person to contact at the Agency.) Ask your questions before you sell your property. Afterwards, it may be too late.

General Questions

What Right Has Any Public Agency To Acquire My Property?

The Federal Government and every State government have certain powers which are necessary for them to operate effectively. For example, they have the power to levy taxes and the power to maintain order. Another government power is the power to acquire private property for public purposes. This is known as the power of eminent domain.

The rights of each of us are protected, however, by the Fifth and Fourteenth Amendments of the U.S. Constitution and by State constitutions and eminent domain laws which guarantee that if a public agency takes private property it must pay "just compensation" to the owner. The URA provides additional protections, as explained in this booklet.

Who Made The Decision To Buy My Property?

The decision to acquire a property for a public project usually involves many persons and many determinations. The final determination to proceed with the project is made only after a thorough review which may include public hearings to obtain the views of interested citizens.

If you have any questions about the project or the selection of your property for acquisition, you should ask a representative of the Agency which is responsible for the project.

How Will The Agency Determine How Much To Offer Me For My Property?

Before making you an offer, the Agency will obtain at least one appraisal of your property by a competent real property appraiser who is familiar with local property values. The appraiser will inspect your property and prepare a report that includes his or her professional opinion of its current fair market value. After the appraiser has completed his work, a review appraiser will examine the appraisal report to assure that the estimate is fair and the work conforms with professional appraisal standards.

The Agency must offer you "just compensation" for your property. This amount cannot be less than the appraised fair market value of the property. "Just compensation" for your property does not take into account your relocation needs. If you are eligible for relocation assistance, it will be additional.

What Is Fair Market Value?

Fair market value is sometimes defined as that amount of money which would probably be paid for a property in a sale between a willing seller, who does not have to sell, and a willing buyer, who does not have to buy. In some areas a different term or definition may be used.

The fair market value of a property is generally considered to be "just compensation." Fair market value does not take into account intangible elements such as sentimental value, good will, business profits, or any special value that your property may have for you or for the Agency.

How Does An Appraiser Determine The Fair Market Value Of My Property?

Each parcel of real property is different and therefore no single formula can be devised to appraise all properties. Among the factors an appraiser typically considers in estimating the value of real property are:

- How it compares with similar properties in the area that have been sold recently.
- How much rental income it could produce.
- How much it would cost to reproduce the buildings and other structures, less any depreciation.

Will I Have A Chance To Talk To The Appraiser?

Yes. You will be contacted and given the opportunity to accompany the appraiser on his or her inspection of your property. You may then inform the appraiser of any special features which you believe may add to the value of your property. It is in your best interest to provide the appraiser with all the useful information you can in order to insure that nothing of allowable value will be overlooked. If you are unable to meet with the appraiser, you may wish to have a person who is familiar with your property represent you.

How Soon Will I Receive A Written Purchase Offer?

Generally, this will depend on the amount of work required to appraise your property. In the case of a typical single-family house, it is usually possible to make a written purchase offer within 45 to 60 days of the date an appraiser is selected to appraise the property.

Promptly after the appraisal has been reviewed (and any necessary corrections obtained), the Agency will determine just compensation and give you a written purchase offer in that amount along with a "summary statement," explaining the basis for the offer. No negotiations are to take place before you receive the written purchase offer and summary statement.

What Is In The Summary Statement Of The Basis For The Offer Of Just Compensation?

The summary statement of the basis for the offer of just compensation will include:

- An accurate description of the property and the interest in the property to be acquired.
- A statement of the amount offered as just compensation. (If only part of the property is to be acquired, the compensation for the part to be acquired and the compensation for damages, if any, to the remaining part will be separately stated.)
- A list of the buildings and other improvements covered by the offer. (If there is a separately held interest in the property not owned by you and not covered by the offer (e.g., a tenant-owned improvement), it will be so identified.)

Must I Accept The Agency's Offer?

No. You are entitled to present your evidence as to the amount you believe is the fair market value of your property and to make suggestions for changing the terms and conditions of the offer. The Agency will consider your evidence and suggestions. When fully justified by the available evidence of value, the offer price will be increased.

May Someone Represent Me During Negotiations?

Yes. If you would like an attorney or anyone else to represent you during negotiations, please inform the Agency. However, the URA does not require the Agency to pay the costs of such representation.

If I Reach Agreement With The Agency, How Soon Will I Be Paid?

If you reach a satisfactory agreement to sell your property and your ownership (title to the property) is clear, payment will be made at a mutually acceptable time. Generally, this should be possible within 30 to 60 days after you sign a purchase contract. If the

title evidence obtained by the Agency indicates that further action is necessary to show that your ownership is clear, you may be able to hasten the payment by helping the Agency obtain the necessary proof. (Title evidence is basically a legal record of the ownership of the property. It identifies the owners of record and lists the restrictive deed covenants and recorded mortgages, liens, and other instruments affecting your ownership of the property.)

What Happens If I Don't Agree To The Agency's Purchase Offer?

If you are unable to reach an agreement through negotiations, the Agency may file a suit in court to acquire your property through an eminent domain proceeding. Eminent domain proceedings are often called condemnations. If your property is to be acquired by condemnation, the Agency will file the condemnation suit without unreasonable delay.

An Agency may also decide not to buy your property, if it cannot reach agreement on a price, and find another property to buy instead.

What Happens After The Agency Condemns My Property?

You will be notified of the action. Condemnation procedures vary, and the Agency will explain the procedures which apply in your case.

Generally, when an Agency files a condemnation suit, it must deposit with the court (or in an escrow account) an amount not less than its appraisal of the fair market value of the property. You should be able to withdraw this amount, less any amounts necessary to pay off any mortgage or other liens on the property and to resolve any special ownership problems. Withdrawal of your share of the money will not affect your right to seek additional compensation for your property.

During the condemnation proceeding, you will be provided an opportunity to introduce your evidence as to the value of your property. Of course, the Agency will have the same right. After hearing the evidence of all parties, the court will determine the amount of just compensation. If that amount exceeds the amount deposited by the Agency, you will be paid the difference, plus any interest that may be provided by law.

To help you in presenting your case in a condemnation proceeding, you may wish to employ an attorney and an appraiser. However, in most cases the costs of these professional services and other costs which an owner incurs in presenting his or her case to the court must be paid by the owner.

What Can I Do If I Am Not Satisfied With The Court's Determination?

If you are not satisfied with the court judgment, you may file an appeal with the appropriate appellate court for the area in which your property is located. If you are considering an appeal, you should check on the applicable time limit for filing the appeal and consult with your attorney on whether you have a basis for the appeal. The Agency may also file an appeal if it believes the amount of the judgment is too high.

Will I Have To Pay Any Closing Costs?

You will be responsible for the payment of the balance on any mortgage and other liens on your property. Also, if your ownership is not clear, you may have to pay the cost of clearing it. But the Agency is responsible for all reasonable and necessary costs for:

- Typical legal and other services required to complete the sale, recording fees, revenue stamps, transfer taxes and any similar expenses which are incidental to transferring ownership to the Agency.
- Penalty costs and other charges related to prepayment of any recorded mortgage on the property that was entered into in good faith.
- Real property taxes covering the period beginning on the date the Agency acquires your property.

Whenever possible, the Agency will make arrangements to pay these costs directly. If you must incur any of these expenses yourself, you will be repaid—usually at the time of closing. If you later discover other costs for which you should be repaid, you should request repayment from the Agency immediately. The Agency will assist you in filing a claim. Finally, if you believe that you were not properly repaid, you may appeal the decision to the Agency.

May I Keep Any Of The Buildings Or Other Improvements On My Property?

Very often, many or all of the improvements on the property are not required by the Agency. This might include such items as a fireplace mantel, your favorite shrubbery, or even an entire house. If you wish to keep any improvements, please let the Agency know as soon as possible.

If you do arrange to keep any improvement, the Agency will deduct only its salvage value from the purchase price you would otherwise receive. (The salvage value of an item is its probable selling price if offered for sale on the condition that the buyer will remove it at his or her own expense.) Of course, if you arrange to keep any real property improvement, you will not be eligible to receive a relocation payment for the cost of moving it to a new location.

Can The Agency Take Only A Part Of My Property?

Yes. But if the purchase of only a part of your property reduces the value of the remaining part(s), you will be paid for the loss in value. Also, if any remaining part would have little or no utility or value to you, the Agency will offer to buy that remaining part from you.

Occasionally, a public project will increase the value of the part which is not acquired by the Agency. Under some eminent domain laws, the amount of such increase in value is deducted from the purchase payment the owner would otherwise receive.

Will I Have To Pay Rent To The Agency After My Property Is Acquired?

If you remain on the property after the acquisition, you may be required to pay a fair rent to the Agency. Such rent will not exceed that charged for the use of comparable properties in the area.

How Soon Must I Move?

If possible, a mutually agreeable date for the move will be worked out. Unless there is an urgent need for your property (e.g., your occupancy would present a health or safety emergency), you will not be required to move without at least 90 days advance written notice.

If you reach a voluntary agreement to sell your property, you will not be required to move before you receive the agreed purchase price. If the property is acquired by condemnation, you cannot be required to move before the estimated fair market value of the property has been deposited with the court so that you can withdraw your share.

If you are being displaced from your home, you will not be required to move before a comparable replacement home is available to you.

Will I Receive Relocation Assistance?

Title II of the URA requires that certain relocation payments and other assistance must be provided to families, individuals, businesses, farms, and nonprofit organizations when they are displaced or their personal property must be moved as a result of a project that is covered by the URA.

The Agency will furnish you a full explanation of any relocation assistance to which you may be entitled. If you have any questions about such assistance, please contact the Agency. In order for the Agency to fulfill its relocation obligations to you, you must keep the Agency informed of your plans.

My Property Is Worth More Now. Must I Pay Capital Gains Tax On The Increase?

Internal Revenue Service (IRS) Publication 544 explains how the Federal Income tax would apply to a gain or loss resulting from the sale or condemnation of real property, or its sale under the threat of condemnation, for public purposes. If you have any questions about the IRS rules, you should discuss your particular circumstances with your personal tax advisor or your local IRS office.

I'm A Veteran. How About My VA Loan?

After your VA home mortgage loan has been repaid, you will be permitted to obtain another VA loan to purchase another property. Check on such arrangements with your nearest Veterans Administration Office.

Is It Possible To Donate Property?

Yes. You may donate your property or sell it to the Agency for less than its fair market value. The Agency must obtain an appraisal of the property and offer just compensation for it, unless you release the Agency from these obligations.

Additional Information

If you have any questions after reading this booklet, contact the Agency and discuss your concerns with the Agency representative.

Agency:

Address:

Office Hours:

Telephone Number:

Person to Contact:

(B) Civil penalties shall be billed in the designated block on the City of Bainbridge's water bill and or an entirely separate bill mailed from the City of Bainbridge's billing department.

(C) City Code Enforcement Officer will notify the proper billing department when the second offense or second violation notice is mailed for such said property and the billing cycle will then begin.

A violation of any of the provisions of this chapter shall be civil in nature and shall not constitute a misdemeanor or infraction until such time it would need citation/ summons for judgement in a municipal court. Any person who violates the provisions of this chapter shall be punished as provided for in this section, and each day that such violation exists, after 30 days of the receipt of the notice of violation, shall constitute a separate offense.

Sec. 50-51 – Sec. 50.57 *Reserved*

ARTICLE V. – Substandard/Unfit Buildings or Structures

Sec. 50-58 Declaration of Findings and Policy

(A) It is the duty of the owner of every dwelling, building, structure, or property within the City of Bainbridge to construct and maintain such dwelling, building, structure, or property in conformance with applicable City codes and ordinances which regulate and prohibit activities on property and which declare it to be a public nuisance to construct or maintain any dwelling, building, structure, or property in violation of such codes or ordinances.

(B) It is hereby found and declared that there exist within the City of Bainbridge dwellings, buildings, or structures which are unfit for human habitation or commercial, industrial, or business uses due to dilapidation and defects increasing the hazards of fire, accidents, or other calamities; lack of ventilation, light, or sanitary facilities; or other conditions including blight and vacancy. The existence of these properties contributes to the decline of our neighborhoods. It is further found that the existence of vacant, unfit, and substandard buildings affects the economic well-being of this City and is detrimental to the health, safety, and welfare of the residents of the City and its neighborhoods.

(C) In order to remedy the conditions set forth in (B), above, it shall be the policy of the City for its designated officials to investigate and determine which dwellings, buildings, or structures in the City are unfit for human habitation or are unfit for their current commercial, industrial, or business use because of existing conditions that are dangerous or injurious to the health and safety of the occupants thereof, or the occupants of the neighborhood, or of other residents of the City. The City's designated official (s)/public officer(s) shall make determinations as to which of said buildings can be rehabilitated and

reconstructed so as to provide decent, safe and sanitary housing and ancillary commercial facilities, thereby eliminating the adverse conditions described above, and which are in such poor state of repair that rehabilitation is not feasible.

Sec. 50-59 **Definitions**

For the purpose of this ordinance, the following words and terms shall have the meanings respectively ascribed as follows, except where the context clearly indicates a different meaning:

(A) Unfit dwellings, buildings, or structures mean any dwelling, building, or structure or any portion of said property falling within one or more of the following categories:

- (1) It is determined by the City's designated official (s)/public officer(s) that existing conditions pose a serious or immediate danger to the community; i.e. a life-threatening condition or a condition which puts at risk the health or safety of citizens of the City.
- (2) Those that are not being maintained. The following factors may be considered in determining whether a structure or building is not being maintained: missing or boarded windows or doors; a collapsing, leaning, or missing wall, sagging or collapsed roof or floor; parts that are so attached that they are likely to fall causing injury to persons or property; siding that is seriously damaged or missing; fire damaged; a foundation that is seriously damaged or missing; a foundation that is structurally faulty; garbage, trash or abandoned vehicles situated on the premises (unless the premises is a legal junkyard.)
- (3) Those that constitute fire hazards;
- (4) Those vacant or dilapidated buildings in which drug crimes or other illegal activities are being committed;
- (5) Those causing materially depreciating property values in the immediate neighborhood because their condition;
- (6) Those that are factors in creating a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other space within the building or of other premises within the neighborhood;
- (7) Those constituting a health or sanitary problem.
- (8) Those that do not have adequately maintained plumbing, heating, or electrical services required by code.

(B) "Blighted" - means any urbanized or developed real property which:

- (1) Presents two or more of the following conditions:
 - a. Uninhabitable, unsafe, or abandoned structure;
 - b. Inadequate provisions for ventilation, light, air, or sanitation;
 - c. An imminent harm to life or other property caused by fire, flood, hurricane, tornado, earthquake, storm, or other natural catastrophe respecting which the governor has declared a state of emergency under the state law or has certified the need for disaster assistance under federal law; provided, however, this article shall not apply to real property unless the city has given notice in writing to the property owner regarding specific harm caused by the property and the owner has failed to take reasonable measures to remedy the harm;
 - d. A site identified by the federal Environmental Protection Agency as a superfund site pursuant to 42 U.S.C. Section 9601, et seq., or having environmental contamination to an extent that requires remedial investigation or a feasibility study;
 - e. Repeated illegal activity on the individual property of which the property owner knew or should have known; or
 - f. The maintenance of the property is below state, county, or municipal codes for at least one year after written notice of the code violation to its owner; and
- (2) Is conducive to ill health, transmission of disease, infant mortality, or crime in the immediate proximity of the property. Property shall not be deemed blighted solely because of aesthetic conditions.

(C) "Public officer(s)" shall mean that person or those persons designated by the City Manager to exercise the powers prescribed by this Article V.

(D) "Dilapidated"- shall mean a state of decay or partial ruin.

(E) "Vacant" shall mean a building or structure which has been unoccupied for a period of sixty (60) days or longer during which the building or a portion thereof is not legally occupied. Under the provision of this ordinance enforcement action may proceed without regard to a period of vacancy whenever any unoccupied building attracts criminal activity, is a health risk because of trash disposal or other condition, is blighted, or otherwise falls under the condition generally described in Section 1, Declaration of Policy.

(F)"Legal Occupancy" shall mean occupancy that is legal by virtue of compliance with State Building codes, State Fire Safety codes, local zoning codes, housing codes, and all other pertinent codes, which must be substantiated by: a) ownership; b) a mortgage; c) a lease agreement; or d) a rent statement. Legal occupancy of a commercial business must also include that the business has a valid Certificate of Occupancy.

(G)"Neighborhood" shall mean an area of the City comprised of all premises or parcels of land any part of which is within a radius of 600 feet of any part of another parcel or lot within the City limits.

(H)"Owner" - shall mean the holder of the title in fee simple and every mortgagee of record.

(I)"Parties in Interest" - means persons in possession of such property and all individuals, associations, corporations, or other entities, having an interest of record in the county where the property is located in a dwelling, building, or structure, including executors, administrators, guardians, and trustees.

(J)"Public Authority" - means any housing authority or any officer who is in charge of any department or branch of the government of the city or the state relating to health, fire, or building regulations or to other activities concerning dwellings, buildings, or structures in the city.

(K)"Unit" - shall mean any space within a building that is or can be rented by or to a single person or entity for his or its sole use, and is intended to be a single and distinct space.

(L)"Dwelling Unit" - shall mean a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

(M) "Vacant Parcel" - shall mean a parcel of land with no structures thereon.

Sec. 50-60 Prohibition against creation or maintenance of blighted premises.

Any owner, or tenant under contract to maintain the premises, of real property in the City shall not cause or allow blighted premises to be created, nor shall any owner allow the continued existence of blighted premises.

Sec. 50-61 Procedures relating to repair or demolition of unfit buildings.

(a) The City Manager shall designate one or more public officers to exercise the powers as set forth in this article.

(b) Whenever a request is filed with the public officer(s) by a public authority or by at least five (5) residents of the City charging that any dwelling, building, or structure is unfit for human habitation or for commercial, industrial, or business use or whenever it appears to the public officer(s) (on his/her/their own motion) that any dwelling, building or structure is unfit for human habitation or is unfit for its current commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer(s) shall, if his or her investigation discloses a basis for such charges, issue and cause to be served upon the owner of and any parties in interest in such dwelling, building, a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer(s) at a place within the City fixed not less than fifteen (15) days nor more than forty-five (45) days after the filing of said complaint. The complaint shall identify the subject real property by appropriate street address and official tax map reference; identify the interested parties; state with particularity the factual basis for the action; and contain a statement of the action sought by the City public officer(s) to abate the alleged nuisance. The owner and any parties in interest shall be given the right to file an answer to the complaint and to appear in person, or by attorney or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer(s).

(c) If, after such notice and hearing, the public officer(s) determines that the dwelling, building, or structure under consideration is unfit for human habitation or is unfit for its current commercial, industrial, or business use and not in compliance with applicable codes; or is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, he or she shall state in writing his or her findings of fact in support of such determination and shall issue and cause to be served upon the interested parties that have answered the complaint or appeared at the hearing an order as follows:

(1) If the repair, alteration, or improvement of the said dwelling, building, or structure can be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to repair, alter, or improve such dwelling,

building, or structure so as to bring it into full compliance with the applicable codes relevant to the cited violation and, if applicable, to secure the structure so that it cannot be used in connection with the commission of drug crimes; or

(2) If the repair, alteration, or improvement of the said dwelling, building, or structure in order to bring it into full compliance with applicable codes relevant to the cited violations cannot be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to demolish and remove such dwelling, building, or structure and all debris from the property.

(d) If the owner or party(ies) in interest fails to comply with an order to repair, alter or improve or vacate and close or remove or demolish the dwelling, building, or structure, the public officer(s) may cause such dwelling, building or structure to be repaired, altered or improved or to be vacated and closed or removed and demolished, as the public officer(s) has determined pursuant to paragraph (c), above. The public officer(s) may cause to be posted on the main entrance of any dwelling, building, or structure so closed a placard with the following words:

“This building is unfit for human habitation or commercial, industrial, or business use; the use or occupation of this building for human habitation or for commercial, industrial, or business use is prohibited and unlawful”

(e) The duties of the public officer(s) set forth in paragraph (d) of this section shall not be exercised until the City Council has approved by ordinance the action to be taken.

(f) The amount of the costs of such repairing, altering or improving or vacating and closing or removal or demolition by the public officer(s) shall be a lien against the real property upon which such costs were incurred. Such lien shall attach to the real property upon the payment of all costs of repairing, altering, or improving or vacating and closing or removal or demolition by the City and the filing of an itemized statement of the total sum of such costs by the public officer(s) in the office of the City Clerk on a lien docket maintained by the City Clerk for such purposes. If the public officer has the structure demolished, reasonable effort shall be made to salvage reusable materials for credit against the cost of demolition. The proceeds of any moneys received from the sale of salvaged materials shall be used or applied against the cost of the demolition and removal of the structure, and proper records shall be kept showing application of sales proceeds. Any such sale of salvaged materials may be made without the necessity of public advertisement and bid. The public officer and governing authority are relieved of any and all liability resulting from or occasioned by the sale of any such salvaged materials, including, without limitation, defects in such salvaged materials.

(g) The amount of the cost of demolition, including all court costs, appraisal fees, administrative costs incurred by the City revenue officer, and all other costs necessarily associated with the abatement action, including restoration to grade of the real property after demolition, shall be a lien against the real property upon which such cost was incurred. That lien shall attach to the real property upon the filing of a certified copy of the order requiring repair, closure, or demolition in the office of the clerk of superior

court in the county where the real property is located and shall relate back to the date of the filing of the lis pendens notice required under subsection (c) of Code Section 41-2-12. The clerk of superior court shall record and index such certified copy of the order in the deed records of the county and enter the lien on the general execution docket. The lien shall be superior to all other liens on the property, except liens for taxes to which the lien shall be inferior, and shall continue in force until paid.

(f) Upon final determination of costs, fees, and expenses incurred in accordance with this ordinance, the City public officer(s) shall transmit to the City revenue officer a statement of the total amount due and secured by said lien, together with copies of all notices provided to interested parties. The statement of the public officer(s) shall be transmitted within 90 days of completion of the repairs, demolition, or closure. It shall be the duty of City revenue officer to coordinate with the county tax commissioner to collect the amount of the lien using all methods available for collecting real property ad valorem taxes, including specifically Chapter 4 of Title 48 of the Georgia Code; provided, however, that the limitation of Code Section 48-4-78 which requires 12 months of delinquency before commencing a tax foreclosure shall not apply. The county tax commissioner shall collect and enforce municipal liens imposed pursuant to this chapter in accordance with Code Section 48-5-359.1. The county tax commissioner or municipal tax collector or city revenue officer shall remit the amount collected to City of Bainbridge.

(g) Enforcement of liens pursuant to this Code section may be initiated at any time following receipt by the county tax commissioner or municipal tax collector or city revenue officer of the final determination of costs in accordance with this chapter. The unpaid lien amount shall bear interest and penalties from and after the date of final determination of costs in the same amount as applicable to interest and penalties on unpaid real property ad valorem taxes. An enforcement proceeding pursuant to Code Section 48-4-78 for delinquent ad valorem taxes may include all amounts due under this chapter.

(h) The redemption amount in any enforcement proceeding pursuant to this Code section shall be the full amount of the costs as finally determined in accordance with this Code section together with interest, penalties, and costs incurred by the governing authority, county tax commissioner, municipal tax collector, or city revenue officer in the enforcement of such lien. Redemption of property from the lien may be made in accordance with the provisions of Georgia Code Sections 48-4-80 and 48-4-81.

(i) The City may waive and release any such lien imposed on property upon the owner of such property entering into a contract with the City agreeing to a timetable for rehabilitation of the real property or the dwelling, building, or structure on the property and demonstrating the financial means to accomplish such rehabilitation.

(j) Review of an order issued by the public officer(s) requiring the repair, alteration, improvement, or demolition of a dwelling, building, or structure shall be by direct appeal to the superior court under Code Section 5-3-29.

(k) In addition to the procedures and remedies in this chapter, designated City officers may issue citations for violations of state minimum standard codes, optional building, fire, life safety, and other codes adopted by ordinance, and conditions creating a public health hazard or general nuisance, and seek

to enforce such citations in a court of competent jurisdiction prior to issuing a complaint in rem as provided in this Code section.

(l) Nothing in this Code section shall be construed to impair or limit in any way the power of the City to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

Sec 50-62 Service of complaints or orders upon parties in interest and owners of unfit buildings or structures.

(a) Complaints or orders issued by the public officer(s) pursuant to this article shall, in all cases, be served in the following manner. At least 15 days prior to the date of the hearing, the public officer(s) shall mail copies of the complaint by certified mail or statutory overnight delivery, return receipt requested, to all interested parties whose identities and addresses are reasonably ascertainable. Copies of the complaint shall also be mailed by first-class mail to the property address to the attention of the occupants of the property, if any, and shall be posted on the property within three business days of filing the complaint and at least 15 days prior to the hearing.

(b) For interested parties whose mailing address is unknown, a notice stating the date, time, and place of the hearing shall be published in the newspaper in which the sheriff's advertisements appear in such county once a week for two consecutive weeks prior to the hearing.

(c) A notice of lis pendens shall be filed in the office of the Clerk of Decatur County Superior Court. Such notice shall have the same force and effect as other lis pendens notices provided by law.

(d) Orders and filings made subsequent to service of the initial complaint shall be served in the manner provided herein on any interested party who answers the complaint or appears at the hearing. Any interested party who fails to answer or appear at the hearing shall be deemed to have waived all further notice in the proceedings.

Sec 50-63 Application to other private property.

All the provisions of this article including method and procedure may also be applied to private property where an accumulation of weeds, trash, junk, filth, and other unsanitary or unsafe conditions shall create a public health hazard or a general nuisance to those persons residing in the vicinity.

Section 50-64 Injunctions against order to repair, close or demolish unfit buildings or structures.

Any person affected by an order, issued by the public officer(s) may petition to the Superior Court for an injunction restraining the public officer(s) from carrying out the provisions of the order and the Court may upon such petition issue a temporary injunction restraining the public officer(s) pending the final disposition of the case; provided, however, that such person shall present such petition to the Court within fifteen (15) days of the posting and service of the order of the public officer(s). De novo hearings shall be had by the Court on petitions within twenty (20) days. The Court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require; provided, however,

that it shall not be necessary to file bond in any amount before obtaining a temporary injunction under this provision.

Sec 50-65 Fines and penalties in Municipal Court

In addition to all other procedures set forth in this Article, the public officer(s) may bring matters of unfit structures, dwellings, or buildings, and/or vacant or substandard structures, dwellings, or buildings, and/or blighted structure, dwellings, or buildings before the Municipal Court for fines or penalties authorized by law. The powers conferred by this article shall be in addition to and supplemental to the powers conferred by any other law.

Sec 50-66 Taking of unfit buildings or structures by eminent domain; police power

Nothing in this article shall be construed as preventing the owner of any property from receiving just compensation for the taking of such property by the power of eminent domain under the laws of this state nor as permitting any property to be condemned or destroyed except in accordance with the police power of this state.

**A RESOLUTION OF THE
BAINBRIDGE CITY COUNCIL
PURSUANT TO THE DISASTER MITIGATION ACT OF 2000
AUTHORIZING ADOPTION OF THE
DECATUR COUNTY HAZARD MITIGATION PLAN**

WHEREAS, Decatur County and its municipal governments are required to complete a Hazard Mitigation Plan by the Disaster Mitigation Act of 2000; and

WHEREAS, under the provisions of the Disaster Mitigation Act of 2000, local governments that complete Hazard Mitigation Plans will remain eligible for Federal mitigation funding; and

WHEREAS, Decatur County and its municipal governments have completed an updated Hazard Mitigation Plan that fulfills the Federal requirements of the Disaster Mitigation Act of 2000.

NOW THEREFORE LET IT BE RESOLVED THAT THE BAINBRIDGE CITY COUNCIL FORMALLY ADOPTS THIS UPDATED HAZARD MITIGATION PLAN.

RESOLVED THIS ___ DAY OF _____, 2022

Edward Reynolds
Mayor
City of Bainbridge

Attest:
Allie Godwin
City Clerk
City of Bainbridge

(City Seal)