

## RESOLUTION NO. 2019 - 041

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**A RESOLUTION AND ORDER OF THE MAYOR AND COUNCIL OF THE CITY OF POWDER SPRINGS, GEORGIA AUTHORIZING CONDEMNATION OF A TRACT OF LAND COMPRISED OF 2.996 ACRES OF FEE SIMPLE RIGHT-OF-WAY, BEING PROJECT PARCEL NO. 3, IN LAND LOTS 867 AND 910, 19<sup>th</sup> DISTRICT, SECOND SECTION OF COBB COUNTY. GEORGIA BY DECLARATION OF TAKING METHOD PURSUANT TO THE PROVISIONS OF O.C.G.A. §32-3-4, ET SEQ.; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

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**WHEREAS**, Section 4 of Chapter 3 of Title 32 of the Official Code of Georgia Annotated and following sections authorize the City to file a condemnation proceeding in rem under a method known as declaration of taking to acquire private property interests for public road or other public transportation purposes upon payment of just and adequate compensation therefor to the person or persons entitled to such payment upon the Mayor and Council's finding that circumstances are appropriate for the use of said method; and

**WHEREAS**, the Mayor and Council of City of Powder Springs, Georgia (the "Mayor and Council") find and believe that circumstances are appropriate for the use of the declaration of taking method to acquire property for public road or other public transportation purposes belonging to Anna Jean Desrosiers and Nancy Maddox Campbell, being project parcel no. 3, in Land Lots 867 and 910, 19<sup>th</sup> District, Second Section of Cobb County, Georgia for one or more of the reasons set forth in O.C.G.A. §32-3-4, as same may be amended from time to time, including a desire in the interests of justice to have judicial ascertainment of any and all questions connected with the condemnation,

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** by the Mayor and Council of the City of Powder Springs, Georgia that circumstances are such that it is necessary to proceed with condemnation proceedings by Declaration of Taking method on a tract of land belonging to Anna Jean Desrosiers and Nancy Maddox Campbell, being project parcel no. 3, in Land Lots 867 and 910, 19<sup>th</sup> District, Second Section of Cobb County, Georgia pursuant to Project No. 1476.07 of the City of Powder Springs.

**BE IT FURTHER RESOLVED AND ORDERED** that legal counsel for City of Powder Springs is authorized and directed to file such proceedings and the Mayor is authorized to execute a Declaration of Taking, and any other documents necessary to effectuate same, subject to review and approval of legal counsel. This resolution shall be effective immediately upon adoption.

**SO RESOLVED AND ORDERED** this 15<sup>th</sup> day of April, 2019

  
Albert Thurman, Mayor

  
Patrick Bordelon, Council Member

[additional signatures follow]

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*Absent*  
Doris Dawkins, Council Member

*Patricia A. Wisdom*  
Patricia Wisdom, Council Member

*Henry J. Lust*  
Henry Lust, Council Member

*Thelma C Farmer*  
Thelma C. Farmer, Council Member

ATTEST: *Kelly Axt*  
Kelly Axt, City Clerk