

RESOLUTION 2026 - 069

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A CERTAIN DEVELOPMENT AGREEMENT REQUESTED AS PART OF THE ACQUISITION OF RIGHT OF WAY NEEDED TO COMPLETE THE POWDER SPRINGS AND FOREST HILL ROAD ACCESS ROAD PROJECT KNOWN AS PROJECT NO. 1476.013; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS the City of Powder Springs (“City”) previously authorized pursuant to Resolution 2025-134 and 2026-017 the acquisition of rights of way and easements needed for the construction of safety improvements at the Forest Hill and Powder Springs Road intersection and access road (the “Project”) for Project Parcel 10 PIN 19087100300 at 3751 Powder Springs Road; Project Parcel 11 PIN 19087000130 at 3765 Powder Springs Road; and Parcel 12 PIN 19087000110 at 3745 Powder Springs Road; and

WHEREAS because offer letters had been extended to the property owners with no reply, the City also authorized proceeding to condemnation to complete the project, which resulted in counteroffers from the owner, and the City thus approved by motion at its January 19, 2026 public meeting an additional sum for each Project parcel, the total of which equaled \$2,723,040 (Parcel 10 at \$625,00, Parcel 11 at \$436,040, and Parcel 12 at \$1,662,000) ; and

WHEREAS the owner accepted and returned signed options to the City for an amount approximately \$152,000 less at \$2,570,484 (Parcel 10 at \$605,484, Parcel 11 at \$465,000; and Parcel 12 at \$1,500,000) if the City agreed to approve certain development variances relating to setbacks and parking for the reconstruction of the structure as outlined in the engineer’s and appraiser’s cost-to-cure plan; and

WHEREAS given the flexibility in the zoning ordinance to approve certain variances necessitated by action of the City, the City finds it in the public interest to accept and approve a development agreement with the owner approving the requested variances and acquiring the needed properties at an amount less than previously authorized;

NOW THEREFORE BE IT HEREBY RESOLVED by the Mayor and Council of the City of Powder Springs as follows:

Section 1. The development agreement relating to requested setback and parking variances for the reconstruction of certain property to replace an office and residential feature and for the acquisition of right-of-way and easements for an amount of \$2,570,484 (Parcels 10 at \$605,484, Parcel 11 at \$465,000 and Parcel 12 at \$1,550,000) is hereby approved, in form substantially similar to the attached Exhibit A and subject to review and approval by the City Attorney.

Section 2. It is hereby declared to be the intention of the City Council that:

- (a) All sections, paragraphs, sentences, clauses and phrases of this Resolution are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.
- (b) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Resolution is severable from every other section, paragraph,

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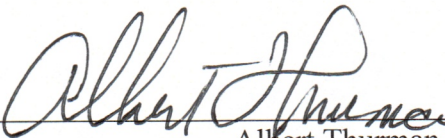
sentence, clause or phrase of this Resolution. No section, paragraph, sentence, clause or phrase of this Resolution is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.

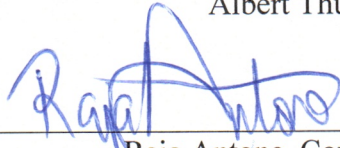
- (c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of this Resolution.

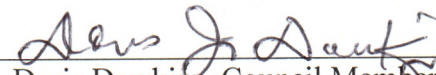
Section 3. The City Attorney and the City Clerk are authorized to make non-substantive editing and renumbering revisions to this Resolution for proofing and renumbering purposes.

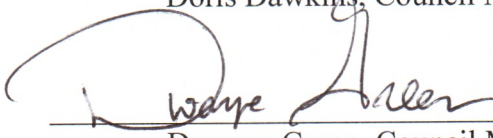
Section 4. The effective date of this Resolution shall be the date of adoption, unless provided otherwise by the City Charter, state and/or federal law.

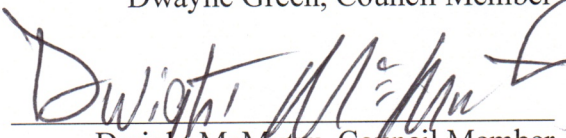
SO RESOLVED this 20th day of April 2026.

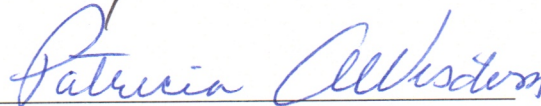

Albert Thurman, Mayor


Raja Antone, Council Member

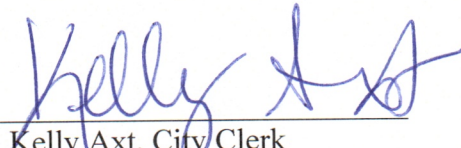

Doris Dawkins, Council Member


Dwayne Green, Council Member


Dwight McMurtry, Council Member


Patricia Wisdom, Council Member

Attest:


Kelly Axt, City Clerk