

## RESOLUTION 2018-173

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### **A RESOLUTION AUTHORIZING THE SALE OF LAND ON FLORENCE ROAD TO THE AMERICAN LEGION POST NO. 294; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

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**WHEREAS**, American Legion Post No. 294 (hereinafter, “the American Legion”) owns a certain tract of real property commonly known as 3282 Florence Road; and

**WHEREAS**, the American Legion has or is in the process of acquiring a restored T8 90 mm Anti-Tank Gun, which it wishes to place on public display (hereinafter, “the Artillery Display”); and

**WHEREAS**, in order to effectuate the Artillery Display, it is necessary for the American Legion to construct a nineteen-foot (19’) by nine-foot (9’) concrete slab; and

**WHEREAS**, for the Artillery Display to be visible on Florence Road, it will be necessary to encroach upon the City’s right-of-way; and

**WHEREAS**, pursuant to O.C.G.A. §36-37-6 (g) and Section 2-6 of the City Code, the City of Powder Springs, Georgia (hereinafter, “the City”) is authorized to sell and convey parcels of narrow strips of land, so shaped or so small as to be incapable of being used independently as zoned or under applicable subdivision or other development ordinances, or as streets, to abutting property owners where such sales and conveyances facilitate the enjoyment of the highest and best use of the abutting owner's property; and

**WHEREAS**, the Mayor and Council are willing to convey to the American Legion a narrow strip of right of way necessary to accommodate the Artillery Display provided that the American Legion provides a survey of the area to be acquired, subject to the reasonable approval of City staff, and pays to the City the fair market value of such area, with the express condition that the American Legion will convey such area back to the City should the City in its sole discretion determine the area to be needed for public purposes.

**NOW THEREFORE BE IT HEREBY RESOLVED** by the Mayor and Council for the City of Powder Springs that the City will convey to the American Legion a narrow strip of right of way necessary to accommodate the Artillery Display provided that the American Legion provides a survey of the area to be acquired, subject to the reasonable approval of City staff, and pays to the City the fair market value of such area, with the express condition that the American Legion will convey such area back to the City should the City in its sole discretion determine the area to be needed for public purposes. The Mayor is authorized to execute any documentation necessary to effect such conveyance. This Resolution shall be effective upon adoption.

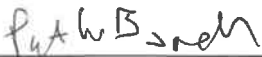
**SO RESOLVED** this 5th day of November, 2018.

  
Albert Thurman, Mayor


[signatures continued on following page]

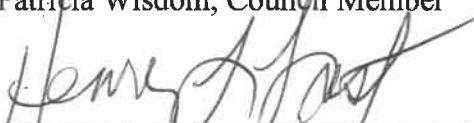
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Patrick Bordelon, Council Member

  
Doris Dawkins, Council Member

  
Patricia Wisdom, Council Member

  
Henry Lust, Council Member

  
Thelma C. Farmer, Council Member

Attest:   
Kelly Axt, City Clerk