

RESOLUTION NO. BR2023-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLUE RIDGE, GEORGIA TO AUTHORIZE THE ACQUISITION THROUGH THE EXERCISE OF EMINENT DOMAIN PURSUANT TO THE DECLARATION OF TAKING METHOD, O.C.G.A. § 32-3-1 ET. SEQ. (AS APPLICABLE), OF PERMANENT AND TEMPORARY CONSTRUCTION EASEMENTS FOR THE PURPOSE OF UPGRADING AND IMPROVING THE CITY'S STORMWATER DRAINAGE SYSTEM; TO AUTHORIZE THE CITY ATTORNEY TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS; TO PROVIDE FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; AND FOR OTHER PURPOSES

WHEREAS, the City of Blue Ridge, Georgia ("City") is undertaking a City-wide project to upgrade and improve its stormwater drainage infrastructure; and

WHEREAS, in order to complete this stormwater project, permanent and temporary construction easements are needed through and across the property shown on Exhibit "A" hereto (the "Property"), and efforts to acquire said easements through good faith negotiations have been unsuccessful; and

WHEREAS, in order to complete this stormwater project, it is necessary for the City to exercise its power of eminent domain to acquire the permanent and temporary construction easements depicted on Exhibit "A;" and

WHEREAS, the City engaged in good faith negotiations with the owner of the Property to acquire said easements on the Property based on a certified appraisal of the amount of just compensation; and

WHEREAS, O.C.G.A. § 22-3-140 specifically allows for the use of the "Declaration of Taking Method" of condemnation (i.e., O.C.G.A. § 32-3-1 et seq.) for stormwater projects.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Blue Ridge that:

Section 1. The exercise of eminent domain is authorized such that the City may obtain permanent and temporary construction easements on the Property as shown on Exhibit "A" (the Easements), which is attached hereto and incorporated herein by reference.

Section 2. The City Council finds that the Declaration of Taking Method of condemnation (i.e., O.C.G.A. § 32-3-1 et seq., as applicable) is authorized for condemning said Easements and that the Easements are necessary to complete the stormwater project being conducted by the City.

Section 3. The City Attorney is authorized to take any and all lawful actions that he may deem needful, necessary, advisable, or proper for the immediate acquisition of the Easements pursuant to and in accordance with the provisions of O.C.G.A. § 32-3-1 et seq., as applicable.

Section 4. The City Administrator is authorized to execute all documents on behalf of the City as may be necessary to effectuate the purposes of this Resolution, including without limitation acquisition of good and marketable title to the Easements.

Section 5. Based on a report made to the City by a certified land appraiser, the value of \$144,000.00 is just and adequate compensation to be paid for the acquisition of the Easements, and such sum is authorized to be paid into the Court for disposition to the person(s) entitled thereto.

The foregoing Resolution was offered by Council Member Arp who moved its adoption. The motion was seconded by Council Member Whaley, and upon being put to a vote, the vote was as follows:

Councilmember Angie Arp
Councilmember Jack Taylor
Councilmember Christy Kay
Councilmember Bill Bivins
Councilmember William Whaley

Yes
Yes
Not Present
abstained
Yes

PASSED AND ADOPTED this 16 day of May, 2023.


RHONDA HAIGHT, MAYOR

ATTEST:


AMY MINTZ
CITY CLERK



Exhibit "A"



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 jhorne@horneandsurveying.com
 www.horneandsurveying.com

**EASEMENT PLAT FOR
 THE CITY OF BLUE RIDGE**
 A PROPOSED DRAINAGE EASEMENT
 BEING A PORTION OF LAND LOT 278
 OF THE 8TH LAND DISTRICT, 2ND SECTION
 CITY OF BLUE RIDGE, FANNIN COUNTY, GEORGIA

SUBJECT PROPERTY INFORMATION
 NAME - BR 01035, LLC
 ADDRESS - NOT LISTED
 PIN - BR01-035
 ACREAGE - 6.43 (FROM TAX MAP)
 DEED BOOK 1475, PAGE 408



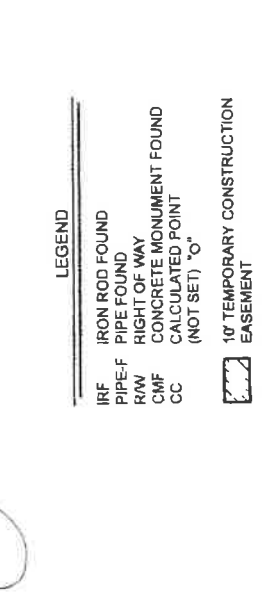
LSF NO 1274
 JULY 28, 2022
 GRAPHIC SCALE
 0 FT 40 FT 80 FT 120 FT
 SCALE 1" = 40'

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PROJECT NO	FIELD DATE	PLAT DATE
BR2021.004E1	11-17-21	06-13-22
REVISIONS	DATE	
ADJUSTED EASEMENT SIZE		30'-21'-22"
ADJUSTED EASEMENT SIZE		07'-26'-22"

CERTIFICATION
 AS REQUIRED BY SUBSECTION (D) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDERIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

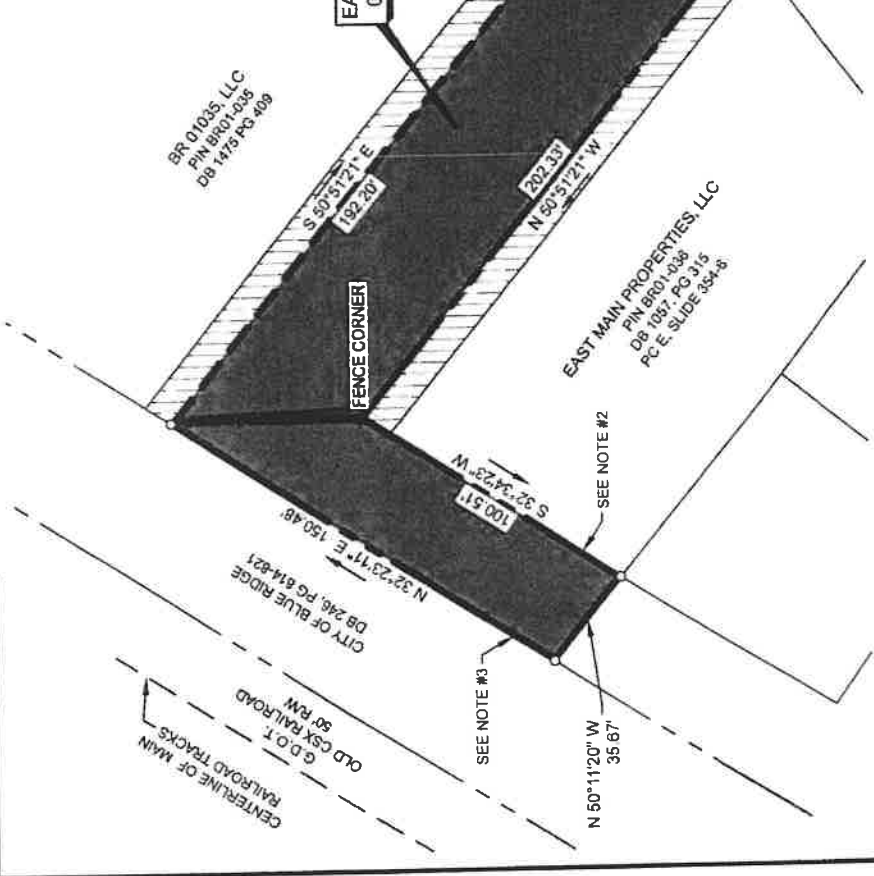
Jeffrey M. Horne
 JEFFREY M. HORNE, RLS #3131
 DATE: JULY 28, 2022



GPS CLOSURE STATEMENT
 THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED ON HAS AN AVERAGE RELATIVE ACCURACY OF 0.04 FEET AT THE 85% CONFIDENCE LEVEL. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 75,958 FEET. THE LINEAR MEASUREMENTS SHOWN ON THIS MAP OR PLAT WERE OBTAINED UTILIZING A CHAMPION PRO RTK DUAL FREQUENCY RECEIVER AND A LEICA TS12 ROBOTIC TOTAL STATION.

SURVEYORS NOTES

- ALL MATTERS OF TITLE ARE EXCEPTED. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE SEARCH. ADDITIONAL EASEMENTS AND RIGHT OF WAY MAY EXIST THAT ARE NOT SHOWN.
- PROPERTY LINE PER PLAT HANGER E354, SLIDE 6.
- PROPERTY LINE ASSUMED 75' FROM THE CENTER LINE OF MAIN TRACKS.



RECORDING INFORMATION

