

**Resolution 2014-02**

A Resolution of the City of Smyrna declaring that neither Branch Capital Partners, L.P (Branch) nor T&C Land, LLC, (T&C) have permission or authority to maintain an action on behalf of the City or prosecute claims, make representations or enter into binding agreements concerning City owned property and further declaring that such entities have no rights in City owned property and rescinding, revoking and terminating any authority that such entities may have had to include City owned property in a rezoning request.

**WHEREAS**, on December 2, 2013, a majority of the Smyrna City Council voted to deny a rezoning request made by Branch concerning a tract of property known as the Jonquil Village redevelopment project; and

**WHEREAS**, the majority of the property at issue in the rezoning request is owned by T&C; and

**WHEREAS**, a portion of the property at issue in the zoning request is owned by the City; and

**WHEREAS**, Neither Branch nor T&C have any contractual or other rights in or to the parcels owned by the City; and

**WHEREAS**, Branch and T&C have filed a Complaint and De Novo Appeal in the Superior Court of Cobb County, Civil Action File No 13-1-10678-52 (the Present Action) against the City and its elected officials alleging various improper actions incident to the denial of the zoning request and making various claims with respect to the entire property sought to be rezoned, including the property owned by the city.

**NOW THEREFORE, BE IT RESOLVED** that neither Branch nor T&C have authority to maintain the Present Action on behalf of the City and have no authority to prosecute claims involving City owned property. Likewise, neither Branch nor T&C have authority to make any representation concerning the City owned property and cannot enter into any binding agreement regarding such City owned property. Neither Branch nor T&C have any rights in or to the City owned property. To the extent that Branch or T&C had authority to include the City owned property in the rezoning request, or otherwise act regarding such property, such authority is hereby rescinded, revoked and terminated.

This \_\_\_\_ day of \_\_\_\_\_, 2014.

**ATTEST:**

**CITY OF SMYRNA**

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**Terri Graham, City Clerk**

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**The Honorable, A. Max Bacon**

**Approved as to Form:**

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**City Attorney, Scott Cochran**