

RESOLUTION NO. 2015-08

A RESOLUTION AND ORDER OF THE CITY COUNCIL OF THE CITY OF SMYRNA, GEORGIA AUTHORIZING CONDEMNATION OF A TRACT OF LAND KNOWN AS A PORTION OF 2585 SPRING ROAD, SMYRNA GEORGIA AND LOCATED IN LAND LOT NO. 847 OF THE 17TH LAND DISTRICT 2ND SECTION OF COBB COUNTY, GEORGIA BY DECLARATION OF TAKING METHOD PURSUANT TO THE PROVISIONS OF O.C.G.A. § 32-3-4 *et seq.*

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 Cobb County Superior Court under a method known as declaration of taking to acquire private property interests for public road or transportation purposes upon payment of just and adequate compensation therefore to the person or persons entitled to such payment upon the Council's finding that circumstances are appropriate for the use of said method; and

WHEREAS, the City Council of the City of Smyrna, Georgia ("Council") finds and believes that circumstances are appropriate for the use of the declaration of taking method to acquire property for public road or transportation purposes. Said tract is owned by Fred C. Nienaber as trustee of the Fred C. Nienaber Living Trust and is acquired for one or more of the reasons set forth in O.C.G.A. § 32-3-4, including a desire in the interest of justice to have judicial ascertainment of any and all questions connected with the condemnation.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, by the Council that circumstances are such that it is necessary to proceed with condemnation proceedings by Declaration of Taking method on that tract of land known as 2585 Spring Road, Smyrna, Ga owned by Fred C. Nienaber as trustee of the Fred C. Nienaber Living Trust located in Land Lot 847 of the 17th Land District 2nd section in Cobb County, Georgia.

BE IT FURTHER RESOLVED AND ORDERED, that legal counsel for the City of Smyrna, Georgia is authorized and directed to file such proceedings and the Mayor is authorized to execute this Resolution and Order on behalf of the full Council, a declaration of taking, and any other documents necessary to effectuate same.

SO RESOLVED this ___ day of _____, 2015

The City of Smyrna

By: _____
Max Bacon, Mayor

ATTEST BY: _____
Terri Graham, City Clerk