

1. Agenda

Documents:

[BOMC-10-8-18-SCM-AGENDA.PDF](#)

2. Meeting Called To Order/Adoption Of Agenda

3. Resolution To Authorize The Exercise Of Eminent Domain To Condemn An Easement At 3200 Kensington Road (Tax Parcel 15-250-03-14)

Documents:

[RESOLUTION FOR EMINENT DOMAIN AT 3200 KENSINGTON.PDF](#)

4. Public Comment

5. Adjournment



**BOARD OF MAYOR AND COMMISSIONERS
SPECIAL CALLED MEETING
October 8th, 2018
6:01 p.m.**

AGENDA

- Item No. 1 Meeting Called to Order
- Item No. 2 Adoption of Agenda
- Item No. 3 **Resolution to Authorize the Exercise of Eminent Domain to
Condemn an Easement at 3200 Kensington Road (Tax Parcel
15-250-03-14)**
If approved, the Resolution would direct the City Attorney to initiate
legal action to condemn an easement upon 874 square feet (0.02
acres) of the subject property for the public purpose of installing a
storm water conveyance underground.
- Item No. 4 Public Comment
- Item No. 5 Adjournment

RESOLUTION NO. _____

BY THE CITY OF AVONDALE ESTATES BOARD OF MAYOR AND COMMISSIONERS TO EXERCISE THE POWER OF EMINENT DOMAIN TO OBTAIN AN EASEMENT UPON 874 SQUARE FEET OF THE PROPERTY KNOW AS 3200 KENSINGTON ROAD (Tax Parcel No. 15-250-03-014) FOR THE PUBLIC PURPOSE OF INSTALLING A STORMWATER CONVEYANCE.

WHEREAS, the City has undertaken a project to remediate stormwater flooding issues in the vicinity of Covington Hwy. and Kensington Rd.; and

WHEREAS, the stormwater project requires that facilities be installed underground on private property (including 3200 Kensington Rd.); and

WHEREAS, the City has negotiated with the owners of 3200 Kensington Rd. in good faith for over one year; and

WHEREAS, the City has provided all notices required by law to the owners of the property, including personal service, statutory overnight delivery and publication.

NOW THEREFORE BE IT RESOLVED by the City of Avondale Estates that the Board of Mayor and Commissioners hereby authorizes the exercise of eminent domain to condemn an easement upon 874 square feet of the property known as 3200 Kensington Rd. for the public purpose of installing a stormwaster conveyance. The stormwater easement area is more particularly described by Exhibit "A" attached hereto.

BE IT FURTHER RESOLVED that the City Attorney is directed to initiate proceedings in superior court to condemn the stormwater easement described herein if the owners of 3200 Kensington Rd. do not voluntarily sell the necessary easement to the City by October 11, 2018,

SO RESOLVED, this 8th day of October, 2018.

BOARD OF MAYOR AND COMMISSIONERS
CITY OF AVONDALE ESTATES


By: _____
Jonathan Elmore, Mayor

(SEAL)

ATTEST:

Gina Hill, CITY CLERK

Approved as to form

 9-28-18

Stephen G. Quinn, Assistant City Attorney

EXHIBIT "A" - EASEMENT DESCRIPTION

Being a strip or parcel of land running in, though, over and across the property now or formerly owned by Sen Amitava, as described in a deed recorded among the Land Records of Dekalb County, Georgia in Deed Book 4878, Page 791 and as shown on an Easement Sketch prepared by TerraMark Land Surveying, Inc. and attached hereto, said strip or parcel lying and being in Land Lot 250, 15th District, of Dekalb County, Georgia and being more particularly described as follows:

To find the Point of Beginning, commence at a ½ inch rebar found at the southeasterly corner of a parcel of land now or formerly owned by the City of Avondale Estates, as described in a deed recorded among the aforesaid Land Records in Deed Book 25982, Page 115, and said point being at State Plane Coordinate (Georgia West Zone) of North: 1,372,439.495; East: 2,268,388.771; thence, leaving the said point and running, South 79° 02' 28" East, 153.91 feet to the True Point of Beginning of the herein described strip or parcel of land; thence, leaving said Point of Beginning, and running

1. South 79° 02' 28" East, 10.38 feet; thence,
2. South 04° 34' 04" East, 86.05 feet; thence
3. South 85° 25' 56" West, 10.00 feet; thence,
4. North 04° 34' 04" West, 88.83 feet to the Point of Beginning,
containing 874 square feet or 0.0200 of an acre of land, more or less.