

**A RESOLUTION AUTHORIZING ITS ATTORNEY
TO EXERCISE THE MAYOR AND ALDERMEN'S POWERS OF
EMINENT DOMAIN IN THE ACQUISITION OF CERTAIN INTERESTS IN
PROPERTY SITUATED IN THE CITY OF SAVANNAH, GEORGIA
AND IN CHATHAM COUTNY, GEORGIA, FOR PUBLIC ROAD
AND/OR OTHER PUBLIC TRANSPORTATION PURPOSES**

WHEREAS, pursuant to Article 9, Section 2, Paragraph 5 of the Georgia Constitution, municipalities may acquire in fee simple or in any lesser interest by eminent domain for public purposes; and,

WHEREAS, certain real property is needed and necessary for municipal road and/or other transportation purposes to construct certain improvements and the widening of the existing public roads designated under the City of Savannah (the "City") road system as Delesseps Ave. and La Roche Ave., (hereinafter referred to as "the Project"), said Project being within the corporate limits of the City; and

WHEREAS, the Mayor and Aldermen of the City of Savannah, Georgia, a municipality of the State of Georgia, has determined that the circumstances of his matter are such that there is a necessity for exercising its power of eminent domain pursuant to O.C.G.A. §§ 32-3-1 *et seq.* in the acquisition of certain interests in property for the Project.

NOW THEREFORE, BE IT AND IT IS HEREBY RESOLVED, that the circumstances are such that it is necessary to proceed with condemnation proceedings by use of the declaration of taking method of condemnation, as authorized by O.C.G.A. §§ 32-3-1 *et seq.*, and use of that method is hereby authorized to acquire and obtain certain interests in property designated as Parcel Number 79, as more particularly described and shown on **Exhibit "A"**, attached hereto (the "Property"). It is further resolved that the City Attorney and/or her designee are ordered and directed to institute proceedings *in rem* pursuant to O.C.G.A. §§ 32-3-1 *et seq.* in the Chatham County Superior Court in order to condemn that certain Property and interest therein, all to the use of the Mayor and Aldermen of the City of Savannah, said Property now or formerly vested in Sam Holdings, LLC, their successors and assigns. It is further resolved that payment of just and adequate compensation there for be made to the person or persons entitled to such payment. The City Manager and the City Attorney and/or her designee are authorized to deposit into the Registry of the Court the sum determined by finding of the Declaration of Taking method (O.C.G.A. §§ 32-3-1 *et seq.*) to be just and adequate compensation, all in accordance with the provisions of said Act. The City Manager is further authorized to sign a Declaration of Taking, Petition for Condemnation and any other documents deemed necessary by the City Attorney and/or her designee in connection with such condemnation.

ADOPTED by the Mayor and Aldermen of the City of Savannah, Georgia, this _____ day of _____, 2019.

EDDIE DELOACH, Mayor

**MARK MASSEY,
CLERK OF COUNCIL**

EXHIBIT A
Legal Description and Plat

PROJECT: Delesseps/LaRoche Avenue from Waters Avenue to Skidaway Road
PARCEL: 79
REQ'D R/W: 0.001 Acres
NAME: Sam Holdings, LLC

All that land lying and being in the Fourth Georgia Militia District of Chatham County, Georgia, being more particularly described as follows:

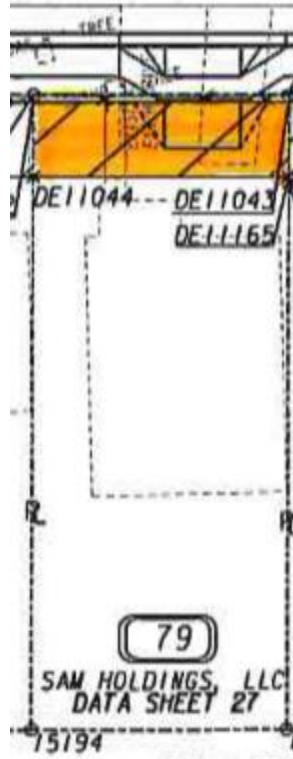
BEGINNING at a point located 25.75 feet right of and opposite the Delesseps Avenue Project Construction Centerline Station 146+34.10, said point being also located at the intersection of the Grantor's west property line and the south existing right of way line of Delesseps Avenue; thence, S 74° 04' 14.7" E along said south existing right of way line a distance of 40.00 feet to a point located at the intersection of said south existing right of way line and the Grantor's east property line; thence, S 15° 55' 42.6" W along said east property line a distance of 1.26 feet to a point; thence, N 74° 03' 15.3" W a distance of 40.00 feet to a point located on the Grantor's west property line; thence, N 15° 55' 42.1" E along said west property line a distance of 1.25 feet back to said POINT OF BEGINNING. Said area described consists of 0.001 acres and is shown in yellow on plat (Dated August 12, 2016; revised November 13, 2018) attached hereto and made part of this description.

PROJECT: Delesseps/LaRoche Avenue from Waters Avenue to Skidaway Road
PARCEL: 79
REQ'D EASMT.: 520.00 Square Feet
NAME: Sam Holdings, LLC

All that land lying and being in the Fourth Georgia Militia District of Chatham County, Georgia, being more particularly described as follows:

EASEMENT FOR THE CONSTRUCTION & MAINTENANCE OF SLOPES

BEGINNING at a point located 27.00 feet right of and opposite the Delesseps Avenue Project Construction Centerline Station 146+34.10, said point being also located on the Grantor's west property line; thence, S 74° 03' 15.3" E a distance of 40.00 feet to a point located on the Grantor's east property line; thence, S 15° 55' 42.6" W along said east property line a distance of 13.00 feet to a point; thence, N 74° 03' 15.3" W a distance of 40.00 feet to a point located on the Grantor's west property line; thence, N 15° 55' 42.1" E along said west property line a distance of 13.00 feet back to said POINT OF BEGINNING. Said areas described consist of 520.00 square feet and is shown in orange on plat (Dated August 12, 2016; revised November 13, 2018) attached hereto and made part of this description.



Yellow shaded area is proposed right of way.

Orange shaded area indicates the proposed permanent easement for construction and maintenance of slopes.

REQ'D R/W PARTS/SV-078		REQ'D R/W DE265	
PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
15195	25.75 R	146+34.10	C/L DELESSEPS
	40.00	S 74°04'14.7" E	
15199	25.74 R	146+74.10	C/L DELESSEPS
	1.26	S 15°55'42.6" W	
DE11043	27.00 R	146+74.10	C/L DELESSEPS
	40.00	N 74°03'15.3" W	
DE11042	27.00 R	146+34.10	C/L DELESSEPS
	1.25	N 15°55'42.1" E	
15195	25.75 R	146+34.10	C/L DELESSEPS
REQ'D R/W	• 30.31 SF		
REQ'D R/W	• 0.001 ACRES		
REMAINDER	• +/- 0.20 ACRES		

REQ'D PARTS/SV-078		REQ'D EASW'T, DE266	
PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
DE11042	27.00 R	146+34.10	C/L DELESSEPS
	40.00	S 74°03'15.3" E	
DE11043	27.00 R	146+74.10	C/L DELESSEPS
	13.00	S 15°55'42.6" W	
DE11165	40.00 R	146+74.10	C/L DELESSEPS
	40.00	N 74°03'15.3" W	
DE11044	40.00 R	146+34.10	C/L DELESSEPS
	13.00	N 15°55'42.1" E	
DE11042	27.00 R	146+34.10	C/L DELESSEPS
REQ'D EASW'T	• 520.00 SF		
REQ'D EASW'T	• 0.012 ACRES		