

March 28, 2019 - City Council Special Meeting

CITY GOVERNMENT

OFFICIAL PROCEEDINGS OF CITY COUNCIL

SAVANNAH, GEORGIA

The special called meeting of Council was held at 6:30 p.m. in the Council Chambers of City Hall. Mayor DeLoach called the meeting to order at 6:31 p.m., City Manager Hernandez informed Council David Keating, Real Estate Service Director, will provide an overview of the DeLesseps Avenue project which extends from Waters Avenue to Skidaway Road and includes fee simple and easements across 120 parcels. There are no relocations or total acquisitions. The benefits associated with this project include more accessibility/safer modes of transportation; enhanced drainage; create bike lanes and sidewalks; and adjoins one of the Savannah Shines neighborhoods Edgemere/Sackville.

PRESENT: Mayor Eddie W. DeLoach, Presiding

Aldermen Carol Bell, Julian Miller, Bill Durrence, Van Johnson, II, Tony Thomas, John Hall and Estella E. Shabazz

Rob Hernandez, City Manager

Bret Bell, Assistant to the City Manager

Jennifer Herman, Interim City Attorney

Denise Cooper, Assistant City Attorney

ABSENT: Brian Foster

Special Meeting Agenda Items

[1. Motion to Approve Resolution to Authorize the Use of Eminent Domain for Portion of 2311 Bayberry Drive.](#)

[Exhibit 1: 2311 Bayberry Drive - Resolution Attachment.pdf](#)

[Exhibit 2: 2311 Bayberry Drive - Map Attachment.pdf](#)

[Exhibit 3: Presentation - Delesseps Avenue Widening.pdf](#)

The owner of record is Sandra Barnes and there is no required right-of-way for the property it is strictly easement. It is 0.018 acres. Staff met with Ms. Barnes and her husband Buster Bazemore at the property, explained the process and explained the process and provided them with time however, they have been unresponsive. Due to the unresponsiveness staff is seeking the eminent domain process in order to proceed.

Alderman Miller inquired how they were unresponsive. Mr. Keating explained they were provided with an offer package and 30 days to respond. After that period staff sent another letter providing an additional 10 days to respond. Ms. Barnes informed staff she would provide an update but did not follow through. Mr. Keating informed Council that although eminent domain is being requested staff will continue to reach out to her and see if an agreement can be made.

The resolution was approved upon motion of Alderman Hall, seconded by Alderman Durrence, and carried with the following voting in favor: Mayor DeLoach, Aldermen Bell, Miller, Durrence, Johnson, and Hall. Aldermen Thomas and Shabazz voted against the motion.

[2. Motion to Approve Resolution to Authorize the Use of Eminent Domain for a Portion of 2348 Camilla Court.](#)

[Exhibit 1: Map Attachment - 2348 Camellia Court.pdf](#)

[Exhibit 2: Resolution Attachment - 2348 Camellia Court.pdf](#)

[Exhibit 3: Presentation - Delesseps Avenue Widening.pdf](#)

The owners of record are William and Gladys Gerald, there is no required right-of-way along the parcel. There are .04 acres of required easement in addition to some sod and fencing is involved. The owners of record are deceased and the deed went to William Gerald. Mr. Gerald has been contacted by staff and is willing to accept the offer but is concerned about potential title issues with other heirs. Therefore eminent domain is the way to proceed because it will clear the title issues and Mr. Gerald is not opposed to that.

The resolution was approved upon motion of Alderman Hall, seconded by Alderman Durrence, and carried with the following voting in favor: Mayor DeLoach, Aldermen Bell, Miller, Durrence, Johnson, and Hall. Aldermen Thomas and Shabazz voted against the motion.

[3. Motion to Approve Resolution to Authorize the Use of Eminent Domain for Portion of 1310 Delesseps Avenue.](#)

[Exhibit 1: 1310 Delesseps - Resolution Attachment.pdf](#)

[Exhibit 2: 1310 Delesseps - Map Attachment.pdf](#)

[Exhibit 3: Presentation - Delesseps Avenue Widening.pdf](#)

The owner of record is the DeLesseps Avenue Baptist Church. It is mostly easement but also has two right-of-ways at the corners to acquire. It is approximately .007 acres of right-of-way and .097 acres of easement. In addition there is sod, paving and a sign that needs to be relocated all of which was provided in the cost for those improvements and relocations provided in the offer. Staff met with the Trustees of the church to present the offer. There was no response but staff recently received notice that they are being represented by an attorney. If a deal can be worked out before the eminent domain proceeding it will be done.

The resolution was approved upon motion of Alderman Hall, seconded by Alderman Durrence, and carried with the following voting in favor: Mayor DeLoach, Aldermen Bell, Miller, Durrence, Johnson, and Hall. Aldermen Thomas and Shabazz voted against the motion.

[4. Motion to Approve Resolution to Authorize the Use of Eminent Domain for a Portion of 1813 Delesseps Avenue.](#)

[Exhibit 1: Resolution Attachment - 1813 Delesseps.pdf](#)

[Exhibit 2: Map Attachment - 1813 Delesseps Avenue.pdf](#)

[Exhibit 3: Presentation - Delesseps Avenue Widening.pdf](#)

This parcel includes both an easement and sliver of right-of-way. The owners of record are Clarence and William and Mary Mercer. John Butler is their son and conservator. Mr. Mercer is deceased and Mrs. Mercer is in a position where her son Mr. Butler serves as her conservator but does not have power of attorney therefore he does not have the power to convey the property. There is not a dispute with the offer amount. The eminent domain process would provide an opportunity for this to proceed. The parcel is .003 acres of right-of-way, .03 acres of easement additionally there is some paving, sod and landscaping involved.

The resolution was approved upon motion of Alderman Hall, seconded by Alderman Durrence, and unanimously carried.

City Manager Hernandez asked the City Attorney's Office to briefly provide Council with the steps in the eminent domain process.

Assistant City Attorney Denise Cooper, informed Council with this process once authority is received from Council and a petition is filed the City automatically gains possession of the property. There will still be room for negotiations and owners have the right to appeal the value to the court. Once staff goes through the Uniform Relocation Assistance and Real Property Acquisition Act, which is a Federal Law and all requirements and guidelines are there for reimbursement, the appraisal and offer are completed.

Upon motion of Alderman Miller, seconded by Alderwoman Bell, unanimous approval was given to close the meeting.

There being no further business, Mayor DeLoach declared this meeting of Council adjourned at 6:53 p.m.

The video recording of the Council meeting can be found by copying and pasting the below link in your url:

<https://savannahgovtv.viebit.com/player.php?hash=Yb1U1GjEfgkR>

**Mark Massey,
Clerk of Council**