

CITY COUNCIL WORKSHOP

MAYOR

Shirley Sessions

CITY COUNCIL

Barry Brown, Mayor Pro Tem

Brian West

Jay Burke

Nancy DeVetter

Spec Hosti

Monty Parks



CITY MANAGER

Dr. Shawn Gillen

CLERK OF COUNCIL

Jan LeViner

CITY ATTORNEY

Edward M. Hughes

CITY OF TYBEE ISLAND

SPECIAL COUNCIL MEETING

AGENDA

April 13, 2023 at 6:05 PM

Call to Order

Items for Consideration

1. 2023-05 Resolution: To consider the Authorization to Exercise the Power of Eminent Domain on property consisting of 25 Lots on 4.05 Acres (3.50 Upland) in the area of Solomon and Estill Avenues and Polk Street, in the City of Tybee Island.

Adjournment

Individuals with disabilities who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities are required to contact Jan LeViner at 912.472.5080 promptly to allow the City to make reasonable accommodations for those persons.

File Attachments for Item:

1. 2023-05 Resolution: To consider the Authorization to Exercise the Power of Eminent Domain on property consisting of 25 Lots on 4.05 Acres (3.50 Upland) in the area of Solomon and Estill Avenues and Polk Street, in the City of Tybee Island.

RESOLUTION NO. 2023-05

A RESOLUTION OF THE CITY OF TYBEE ISLAND THROUGH THE GOVERNING AUTHORITY OF THE CITY OF TYBEE ISLAND AUTHORIZING THE CITY ATTORNEY TO INITIATE PROCEEDINGS FOR EMINENT DOMAIN USING THE SPECIAL MASTER METHOD TO ACQUIRE THE PROPERTY HEREINAFTER DESCRIBED TO SECURE FEE SIMPLE TITLE TO 25 TAX PARCELS ON 4.05 ACRES (3.50 UPLAND) IN THE AREA OF THE CORNERS OF SOLOMON AND ESTILL AVENUES AND POLK STREET IN THE CITY AND FURTHER TO IDENTIFY THE PUBLIC USES FOR WHICH THE PROPERTY SHOULD BE OBTAINED AND AUTHORIZE OTHER PUBLIC USES WHICH MAY BE DETERMINED.

WHEREAS, the City of Tybee Island has initiated good faith negotiations for the acquisition of the property hereinafter referred to and described herein; and

WHEREAS, the City has made a good faith offer of just compensation to acquire the real property pursuant to Georgia law and has provided an appropriate appraisal of such property to the owner; and

WHEREAS, negotiations, in spite of being conducted in good faith have been unsuccessful; and

WHEREAS, the City seeks and needs to obtain the fee interest in the property and desires to secure such title by way of eminent domain; and

WHEREAS, the City has an established need and requirement for public use of the property described herein for public purposes, including the expansion of City facilities, including, but not limited to the Department of Public Works; the potential installation of a deep well and desalination or treatment facility of water; and for expansion by the Campground for recreational property and to conserve areas of the property which should be protected; and for other public uses as may be determined; and

WHEREAS, in order to proceed with eminent domain to acquire fee simple title to the property described on Exhibit "A" hereto, the City should enter a Resolution following notice of the meeting as required by law, the posting of signage near the property; and upon notice to the owner of said property and/or the waiver of the owner's right to be served with such notice of the meeting; and

WHEREAS, the City finds that such property is unique in that it is located in close proximity to the existing public works facility of the City and is also bordered by the City Campground for potential expansion thereof and further portions of the tract of land are suitable for the storage of materials and would provide an emergency location for debris storage following any storms which might create large amounts of vegetative or other debris, and further finds the property may accommodate other public uses;

NOW, THEREFORE, BE IT RESOLVED that the City has determined as stated herein the need to obtain the fee simple title to the property described in Exhibit "A" hereto, including specifically each individual parcel identified within the property described in Exhibit "A", and has determined multiple public uses, both existing and potential, including the expansion of City facilities, including, but not limited to, the expansion of the Department of Public Works area of operation and/or the City Campground, and the need to protect environmentally-sensitive areas. And further, the City has taken all steps required by law under the Land Owners Bill of Rights and Property Protection Act of 2006, O.C.G.A. §§ 22-1-1, *et seq.*, having secured an appraisal of the property in accordance with the applicable law and provided a copy thereof to the owner, before negotiations were conducted, and made an offer of just compensation for the property and otherwise complied in all respects with all preconditions to the initiation of eminent domain proceedings; and

BE IT FURTHER RESOLVED that the City Council finds the City and the owner have not been able to reach an agreement as to the price to be paid to the owner for fee simple title to the property and therefore the initiation of eminent domain proceedings is necessary and appropriate.

BE IT RESOLVED that the "WHEREAS" clauses above and the title of this Resolution are fully incorporated herein and made a part hereof as if fully restated herein.

IT IS FURTHER RESOLVED that the City Attorney is directed to initiate eminent domain proceedings as soon as practicable under the Special Master method for eminent domain.

SO RESOLVED, this ____ day of _____, 2023.

ATTEST:

CITY OF TYBEE ISLAND, GEORGIA

By: _____
Jan LeViner, CMC
Clerk of Council

By: _____
Shirley Sessions, Mayor

EXHIBIT "A"
LEGAL DESCRIPTION

All those certain lots, tracts or parcels of land situate, lying and being on the Island of Great Tybee, in Chatham County, Georgia, and known and designated on the map of the Town of Tybee Island (Formerly known as Savannah Beach), Georgia, recorded in Map Book 2, Page 8 and 9, and on Plat of Leigh Gignilliat dated February 16, 1969, recorded in Plat Record Book T, Folio 70 and Book 52, Pages 33-34, all references being to the records of Chatham County, Georgia, as: Lot One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), and Nine (9), in Block Nine (9), Bay Ward, lying contiguous and as a whole being bounded on the North by Estill Avenue, on the East by Polk Street, on the South by Telephone Avenue, and on the West by Storer Street; and Lots Six (6), Seven (7), Eight (8), and Nine (9), in Block Ten (10), Bay Ward, lying contiguous and being bounded on the North by Estill Avenue, on the East by Storer Street, on the South by the Old Central of Georgia right-of-way, and on the West by Lot Five (5), said Block and Ward; and Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), and Twelve (12), in Block Eleven (11), Bay Ward, lying contiguous and as a whole-being bounded on the North by Telephone Avenue, on the East by Polk Street, on the South by the Old Central of Georgia right-of-way, and on the West by Storer Street; being part of that property described in instruments recorded in Deed Book 6-E-94 and 6-C-297 of the Records of Chatham County, Georgia and being the same property conveyed to Savannah Electric and Power Company by Tybee Beach Company by Warranty Deed dated February 27, 1969, and recorded in the Office of the Clerk of Superior Court of Chatham County, Georgia in Deed Book 95-M, Folio 101.

Also, all right, title interest, claim and demand the party of the first part may have in and to those portions of street abutting afore-described lots, to wit: Storer Street, Polk Street, Live Oak Avenue, Solomon Avenue, R&R Right-of-way, and Telephone Avenue.

Bay Ward Lots - Status as of September 2022

Item #1.

PIN	Lot/Block	Address
40021 12008	6, 10	1106 Estill Ave.
40021 12009	7, 10	1104 Estill Ave.
40021 12011	8, 10	1102 Estill Ave.
40021 12012	9, 10	1101 Solomon Ave.
40021 10002	1, 9	1018 Estill Ave.
40021 10003	2, 9	1016 Estill Ave.
40021 10004	3, 9	1014 Estill Ave.
40021 10005	4, 9	1012 Estill Ave.
40021 10006	5, 9	1010 Estill Ave.
40021 10007	6, 9	1008 Estill Ave.
40021 10008	7, 9	1006 Estill Ave.
40021 10009	8, 9	1004 Estill Ave.
40021 10010	9, 9	1002 Estill Ave.
40021 11002	1, 11	1017 Solomon Ave.
40021 11003	2, 11	1015 Solomon Ave.
40021 11004	3, 11	1013 Solomon Ave.
40021 11005	4, 11	1011 Solomon Ave.
40021 11006	5, 11	1009 Solomon Ave.
40021 11007	6, 11	1007 Solomon Ave.
40021 11008	7, 11	1006 Telephone Ave.
40021 11009	8, 11	1004 Telephone Ave.
40021 11010	9, 11	1002 Telephone Ave.
40021 11011	10, 11	1005 Telephone Ave.
40021 11012	11, 11	1003 Solomon Ave.
40021 11013	12, 11	1001 Solomon Ave.