

DATE: *September 3, 2020*  
TO: Mayor and City Council  
FROM: Assistant City Manager  
SUBJECT: 20-011 Alton Tucker/Level Creek Extension Project  
ROW Acquisition / Eminent Domain  
1196 Level Creek Road



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After attempts to acquire the subject property through negotiation to complete a roadway realignment and transportation use, the only remaining option for the city to consider is the use of eminent domain. The resolution presented will provide the basis for the action and background of the city's legal authority in these matters.

The city engaged an MAI certified appraiser to arrive at the fair market value of the property of \$105,000 for the approximately 0.068 acres of property and building. The fair market amount, along with previous offers, were not accepted during negotiation. The public road and intersection improvements will necessitate the complete removal of the building and sidewalk and streetscape improvements will consume the remaining remnant of the parcel. The details of the transportation use is provided in the attached right-of-way plan.

Staff is recommending approval of the resolution.

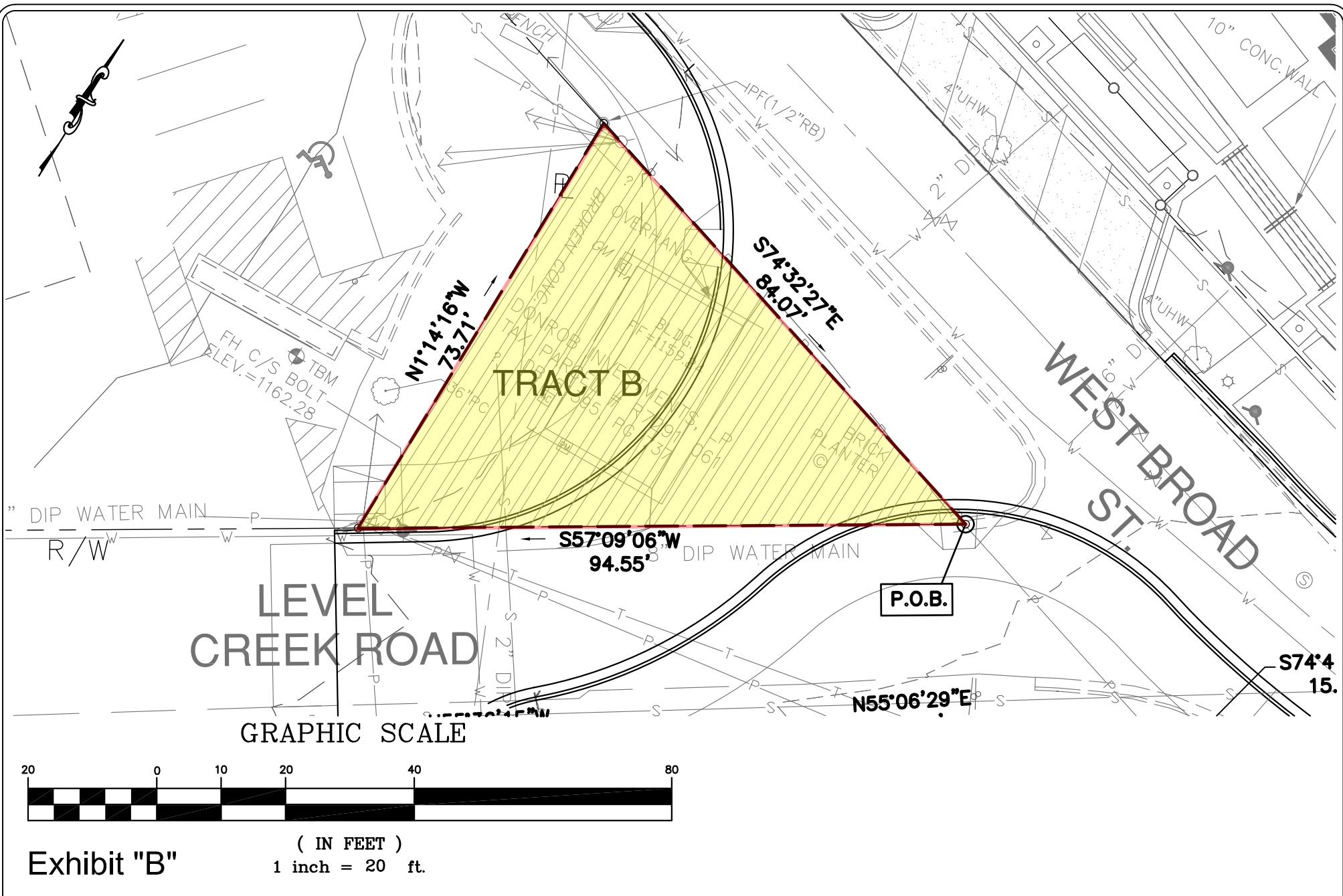


Exhibit "B"

( IN FEET )  
1 inch = 20 ft.

VERT. SCALE:	N/A
HORZ. SCALE:	1" = 20'
DATE:	03/03/20
DRAWN BY:	WRS
CHECKED BY:	KQ
JOB NO.:	COSH001

RIGHT OF WAY EXHIBIT FOR:  
 CITY OF SUGAR HILL  
 LAND LOT 291 -7th DISTRICT  
 GWINNETT COUNTY, GEORGIA

**ATLAS**  
 407 East Maple Street, Suite 107  
 Cumming, Georgia 30040  
 Tel.: (770) 781-5507  
 oneatlas.com  
 COA-LSF #1323, PEF #7665

**RESOLUTION TO APPROVE USE OF EMINENT DOMAIN TO ACQUIRE  
1196 LEVEL CREEK ROAD FOR A PUBLIC PURPOSE**

**WHEREAS**, the City of Sugar Hill, Georgia (hereinafter the “City”) is seeing increased development of its downtown area; and

**WHEREAS**, this increased development has increased both vehicular and pedestrian traffic in the downtown area; and

**WHEREAS**, the City has determined that the increased vehicular and pedestrian traffic has created a need to make transportation improvements in the downtown area to maintain the safe, efficient, and harmonious movement of vehicular and pedestrian traffic in the area (See Exhibit A); and

**WHEREAS**, the property that the City needs to acquire to complete the transportation improvements is described on Exhibit B, which is attached hereto and incorporated herein by reference (hereinafter the “Property”); and

**WHEREAS**, the City has determined that there is a public need and public use for the Property for the construction of transportation improvements; and

**WHEREAS**, the City has attempted to acquire the property necessary for the transportation improvements through negotiation with the owner; and

**WHEREAS**, the negotiations with DonRob Investments, LP, owner of the property have been unsuccessful; and

**WHEREAS**, the Property has been appraised and the owner of the property has been offered the fair market value of the Property as established by the appraisal; and

**WHEREAS**, the owner of the Property has been given due notice, as required by law, that this Resolution would be considered at a public meeting of City Council of the City of Sugar Hill, Georgia on September 14, 2020, at a meeting to be convened at 7:30 p.m.; and

**WHEREAS**, a sign was posted on the Property giving notice that a Resolution to consider the approval of the use of Eminent Domain to acquire the Property would be considered at a public meeting of the City Council on September 14, 2020, more than fifteen (15) days prior to said public meeting; and

**WHEREAS**, a notice was published in the Gwinnett Daily Post giving notice that a Resolution to consider the approval of the use of Eminent Domain to acquire the Property would be considered at a public meeting of the City Council on September 14, 2020, fifteen (15) or more days prior to said public meeting.

**NOW THEREFORE**, the City Council of the City of Sugar Hill, Georgia hereby adopts the whereas provisions of this Resolution as the findings of the City Council and further finds and

determines that the acquisition of the Property is necessary for a public purpose to complete a transportation project and that the circumstances are such that it is necessary that the property described in Exhibit B be acquired by the use of eminent domain.

The City Council of the City of Sugar Hill, Georgia hereby resolves and ordains that the City shall proceed to acquire fee simple title in the Property herein described by condemnation under the provisions of Georgia law, and that the Attorney for the City is authorized and directed to file condemnation proceedings as provided by Georgia law to acquire said title and to take all other actions necessary and appropriate to obtain title to said Property as authorized by law.

**IT IS SO RESOLVED AND ORDAINED** this 14<sup>th</sup> day of September, 2020.

CITY OF SUGAR HILL, GEORGIA

By: \_\_\_\_\_  
Steve Edwards, Mayor

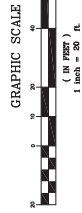
(SEAL)

Attest:

By: \_\_\_\_\_  
Jane Whittington, City Clerk



# EXHIBIT A ROAD DESIGN PLAN



PROJECT NUMBER  
13.02

ALTON TUCKER ROAD EXTENSION  
CONSTRUCTION PLANS  
ROADWAY LAYOUT PLAN

CITY OF SUGAR HILL  
GWINNETT COUNTY, GEORGIA

DATE	BY	DESCRIPTION

REVISIONS

DATE	BY	DESCRIPTION



MANAGEMENT GROUP, INC.  
10750 WOODBURN RD., SUITE 100  
WOODBURN, GA 30097  
B 54424, PC 633, 011

EXHIBIT A  
p. A-2



**EXHIBIT B**

**LEGAL DESCRIPTION  
1196 Level Creek Road  
Gwinnett County Tax Parcel 7291 061**

All the tract or parcel land lying and being in Land Lot 291 of the 7<sup>th</sup> District section of City of Sugar Hill, Gwinnett County, Georgia and being more particularly described as follows:

Beginning at a point located at the intersection of the south side of West Broad Street and the northwest side of Level Creek Road; Thence from said point of beginning so located South 57 degrees 09 minutes 06 seconds West a distance of 94.55 feet along the northwest side of Level Creek Road to a point; Thence North 01 degrees 14 minutes 16 seconds West for a distance of 73.71 feet to an iron pin found on the south side of West Broad Street; Thence along the south side of West Broad Street South 74 degrees 32 minutes 27 seconds East for a distance of 84.07 feet to a point and the point of beginning.

Being proposed right of way Tract B and containing 0.068 acres according to a Right of Way Exhibit for City of Sugar Hill prepared by Atlas dated March 3, 2020.