City Council Meeting
10 N. Public Square
April 5, 2018
6:00 P.M. – Work Session
7:00 P.M. – Council Meeting

I. Opening Meeting

Invocation by Council Member Roth.

Pledge of Allegiance led by Council Member Fox.

The City Council met in Regular Session with Matt Santini, Mayor presiding and the following present: Kari Hodge, Council Member Ward One; Jayce Stepp, Council Member Ward Two; Cary Roth, Council Member Ward Three; Calvin Cooley Council Member Ward Four; Gary Fox, Council Member Ward Five; Taff Wren, Council Member Ward Six; Sam Grove, City Manager; Meredith Ulmer, City Clerk and Keith Lovell, City Attorney.

II. Regular Agenda

A. Council Meeting Minutes

1. March 15, 2018

Before a motion was made Council Member Fox made the following correction: in Regards to the MPO Study discussed at the last meeting Council Member Fox's motion should have included that in addition to the study of a pedestrian bridge in downtown, it should also include a study on the track that blocks Mission Road.

A motion to approve the March 15, 2018 City Council Meeting Minutes as presented was made by Council Member Roth and seconded by Council Member Cooley. Motion carried unanimously. Vote 6-0.

B. Commendation/Recognition

1. Board of Zoning Appeals Board Member Recognition

Randy Mannino, Planning and Development Department Head recognized David Caswell for his years of service on the Board of Zoning Appeals. An award was given to Mr. Caswell by Mayor Santini at the meeting to thank him for his dedication.

C. Public Hearing – 1st Reading of Zoning/Annexation Requests

1. Z18-03: Rezoning of property located on Center Road adjacent to and west of I-75 from R-10 with conditions (Single Family Residential) to RA-12 (Single Family

Dwelling) and R-20 (Single- Family Residential). Property contains approx. 58 and 103 acres, respectively.

Mr. Mannino came forward and stated in 2004 per Z04-14, approximately 202 acres were rezoned from R-20 to R-10 with conditions for two tracts of land along Center Road west of and adjacent to I-75. Tract 1 was north of Center Road and named the Etowah Preserve subdivision. Tract 2 was south of Center Road. Tract 1 was planned to be developed in three phases. Infrastructure, including roads, curb and gutter, street lights, utility lines and meters, stormwater pipes and detention ponds were installed. The project stalled about 2008, and no construction activities have occurred since. Tract 2, a subdivision currently known as Autumn Canyon, was purchased by LGI Homes about 2015 and has been fully completed. Autumn Canyon has 79 lots.

This project proposes to develop Etowah Preserve in 2 phases. Phase 1 would improve all existing infrastructure components and construct up to 199 townhome units. Phase I requests rezoning from R-10 with conditions to RA-12. Phase 2 development would occur at a future date and requests a rezoning from R-10 with conditions to R-20 until market studies can be conducted to determine the best use of the land.

Due to the original project foreclosure, the City has received maintenance bonds totaling $176,700 for the following items: Storm Drainage, Sidewalks and Streets= $49,800; Water/ Sewer Maintenance = $67,000; Final Asphalt Top Coating = $59,900. This bond money could be used by the developer to offset the costs of repairing the existing infrastructure. This rezoning application, available in the City Clerk's office, proposes to remove all previous zoning conditions associated with Z04-14 though several of the conditions should remain in place.

This is a first reading and does not require a vote at this time. Mayor Santini opened the floor to a public hearing and with no one coming forward the public hearing was closed.

2. T18-01 Text Amendment to Chapter 20, Signs and Outdoor Advertising, Article II, Sign Ordinance. The purpose of the text amendment us to address electronic signs, brightness controls, and use of Stationary Electronic Signs.

Mr. Mannino stated the purpose of the text amendment is to define electronic freestanding signs, include brightness controls and to allow the use of Stationary Electronic Signs on E. Main Street from Hwy 41 to I-75. This is a first reading and does not require a vote at this time. Mayor Santini opened the floor for a public hearing, and with no one coming forward to speak the public hearing was closed.

Ordinance no._____

Now be it and it is hereby ORDAINED by the Mayor and City Council of the City of Cartersville, that the <u>CITY OF CARTERSVILLE CODE OF ORDINANCES. CHAPTER 26. ZONING. ARTICLE IX COMMERCIAL DISTRICT REGULATIONS. SECTION 9.2 M-U MULTIPLE USE DISTRICT, PARAGRAPH 9.2. DEVELOPMENT STANDARDS, 9.2.3.R, OTHER STANDARDS</u>, is hereby amended by deleting Sec.9.2.3R.1. and adding the following:

1.

Sec. 9.2.3 R.1. Other Standards

1. Townhouse developments shall have a minimum development area of one-half (1/2) acre. In addition to required setbacks, a fifteen (15) foot wide buffer is required along all property lines which abut a single-family district or use to provide a visual screen in accordance with section 4.17 of this chapter.

***(a) Minimum lot depth:* One hundred (100) feet**

(b) No fewer than three (3) dwelling units in a row shall be allowed.

(c) Alley or private drive access required.

(d) Required parking shall be allowed in the rear yard only.

(e) Principal buildings shall front a private drive or public right-of-way.

The remaining provisions of Section 9.2.3 are to remain as is and the additional standards herein are to be made part of the standards in Section 9.2.3R.1.

2.

It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Cartersville, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: _____
SECOND READING: _____

_____
MATTHEW J. SANTINI, MAYOR

ATTEST: _____
MEREDITH ULMER, CITY CLERK

3. T18-02: Text Amendment to Chapter 26, Article IX, Commercial Use Districts, Sec. 9.2. M-U Multiple Use District, subsection 9.2.3(R), Development Standards. The purpose of the text amendment is to correct deficiencies.

Mr. Mannino stated the purpose of the text amendment is to add requirements for townhouse development found in other sections of the zoning ordinance. Mr. Mannino stated this is a first reading and does not require a vote at this time. Mayor Santini opened the floor for a public hearing, and with no one coming forward the public hearing was closed.

Ordinance no._____

Now be it and it is hereby ORDAINED by the Mayor and City Council of the City of Cartersville, that the CITY OF CARTERSVILLE CODE OF ORDINANCES. CHAPTER 20. SIGNS AND OUTDOOR ADVERTISING. ARTICLE II. SIGN ORDINANCE. SECTION 20-25 Freestanding signs, PARAGRAPH (2) b Electronic freestanding signs, is hereby amended by and adding the following:

1.

16. E. Main Street, Stationary Electronic Sign Only (Beginning at US 41 and running east to the east side of the I-75 interchange).

The remaining provisions of Section 20-25 are to remain as is, and the additional items herein are to be made part of the roads listed in Section 20-25 (2) b, which is to be re-alphabetized.

2.

Now be it and it is hereby ORDAINED by the Mayor and City Council of the City of Cartersville, that the CITY OF CARTERSVILLE CODE OF ORDINANCES. CHAPTER 20. SIGNS AND OUTDOOR ADVERTISING. ARTICLE II. SIGN ORDINANCE. SECTION 20-25 Freestanding signs, PARAGRAPH (2) Electronic freestanding signs, is hereby amended by and adding the following paragraphs after paragraph i.:

j. All new electronic freestanding sign installations are required to submit to the City a report certifying that the daytime and nighttime light levels are compliant with the brightness level requirements stated in item (k) below.

k. Each sign must have a light sensing device that will adjust the brightness of the display as the natural ambient light conditions change to ensure the brightness is decreased in low light situations. Brightness levels may not exceed more than two-tenths (0.20) foot candles above ambient light levels (at measurement conditions) as measured at a distance of one hundred twenty-five (125) feet.

l. If the sign is located in the line of sight of a residential dwelling, such sign shall not operate at brightness levels of more than one-tenth (0.1) foot candles above ambient light

levels (at measurement conditions) as measured to the nearest property line of the residential dwelling from the electronic sign.

m. In the course of investigating a brightness complaint, the Planning and Development Department may request a certification of the brightness (under measurement conditions) by an independent contractor, if the sign has not been certified within the preceding twelve (12) months. If the investigation and certification indicate that the sign exceeds the brightness levels specified in this chapter, the owner of the sign shall turn off the sign until the brightness of the sign is brought into compliance with this chapter within twenty-four (24) hours of a request. Compliance with these requirements will be at the owner's expense.

The remaining provisions of Chapter 20 Section 20-25 shall remain in full force and effect:

3.

It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Cartersville, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: _____
SECOND READING: _____

_____
MATTHEW J. SANTINI, MAYOR

ATTEST: _____
MEREDITH ULMER, CITY CLERK

D. Other

1. Appeal of Historic Preservation Commission (HPC) Decision

Mr. Mannino stated Matt Womack is appealing the HPC decision that he cannot paint his historic brick house and that he is to remove the primer coat that has been applied. Mr. Womack submitted an application for a Certificate of Preservation on February 2, 2017 for a 2nd story addition to his home at 716 West Ave. The home is historic and contributing to the West End Historic District. The application was approved by the Historic Preservation Commission on 2-21-17. The application did not request to paint the existing brick house, but did state that the new addition red brick would match the existing red brick. On March 7, 2018 staff observed the brick was being painted and a stop work order was issued. Unpainted brick on a historic home is

to remain unpainted per the HPC Design Guidelines. The Staff summary and supporting documents can be viewed in the City Clerk's office.

Mayor Santini opened the floor for a public hearing and asked anyone wishing to speak for or against the appeal to come forward.

Thomas Worley, of Atlanta, attorney representing the Womack's came forward to support the appeal. Mr. Worley stated he had letters of support for Womack's from Jay Choate and Joe Frank Harris. Mr. Worley stated HPC guidelines are vague and were misinterpreted.

Council Member Stepp stated the City may need to reexamine the HPC guidelines.

Augustus King, of Cartersville, came forward and stated he supported the Womack's.

Council Member Hodge stated Council may need to revisit some of the HPC guidelines.

Suzanne Benoit, of Cartersville, came forward to support the Womack's.

Kyle Russell, of Cartersville, neighbor and painter for the Womack's was support.

Mayor Santini stated the HPC works hard and is well trained in historic guidelines. The HPC made a good decision. The guidelines may need to be revisited.

Andrea Wallace, of Cartersville, stated she is in favor of painting brick, supports the Womack's and hopes the guidelines change.

David Hardegree, City Planner, came forward and stated the guidelines are vague, but it says homeowners cannot paint an unpainted brick house. Owners are responsible for the continued maintenance of their homes. If the guidelines are tweaked or rewritten brick and mortar maintenance needs to be addressed, because painting brick does not properly maintain it. Painting brick for maintenance is not a cure all to fix what is behind the brick. Consideration for maintenance of the brick needs to be addressed.

Council discussed accountability and oversight of HPC cases.

Mr. Worley came forward for a closing statement

Mayor Santini thanked everyone for their participation and comments.

Motion to approve the Womack's appeal and reverse HPC's decision to allow the paint project to continue, and for Council to take a look at guidelines to allow brick house to be painted in the Historic District was made by Council Member Fox and seconded by Council Member Hodge. Motion carried unanimously. Vote: 6-0.

E. Public Hearing

1. Old Tennessee Road at Hwy 20/411

Keith Lovell, City Attorney stated the portion of Old Tennessee Road within Land Lot 51 at its intersection with State Route 20 and U.S. 411 has ceased to be used by the public and no substantial public purpose is served. It is in the best public interest that this section of road be abandoned. Notice of the proposed abandonment will be sent to Martha B. Gill f/k/a Martha B. Richards and Paul A. Bishop.

Mayor Santini opened the floor for public comment and with no one present to speak for or against the abandonment the Mayor closed the public hearing.

Motion to approve the resolution to authorize the public advertisement of the road closure at Old Tennessee Road at Hwy 20/411 was made by Council Member Wren and seconded by Council Member Roth. Motion carried unanimously. Vote: 6-0.

Contracts and Agreements

1. Depository Trust Company Letter

Mr. Lovell stated the City needs to update its Depository Trust Company letter so securities can be held and transferred by the Depository Trust Company.

A motion to approve the Depository Trust Company Letter was made by Council Member Wren and seconded by Council Member Hodge. Motion carried unanimously. Vote 6-0.

F. First Reading of Ordinances

1. Blocking Railroad Crossings

Mr. Lovell stated Chapter 19, Railroads, Section 19-3 of this ordinance is from the 1970's and preempted by federal law. Mr. Lovell recommended deleting the section in its entirety.

A motion to approve the deletion was made by Council Member Wren and seconded by Council Member Cooley. Motion carried unanimously. Vote 6-0.

Ordinance no._____

Now be it and it is hereby ORDAINED by the Mayor and City Council of the City of Cartersville, that the <u>CITY OF CARTERSVILLE CODE OF ORDINANCES. CHAPTER 19. RAILROADS, SECTION 19-3 BLOCKING CROSSINGS</u> is hereby amended by deleting said section in its entirety and replacing it with the following:

Sec. 19-3 – Intentionally omitted.

2.

It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Cartersville, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: _____
SECOND READING: _____

_____
MATTHEW J. SANTINI, MAYOR

ATTEST: _____
MEREDITH ULMER, CITY CLERK

G. Resolutions

1. Resolution Authorizing Condemnation

Mr. Lovell stated the resolution authorizes condemnation of the property at 2001 Highway 113 SW, Taylorsville, GA in order for Transcontinental Gas Pipe Line Company, LLC to construct a Delivery Station to provide a natural gas supply to the City. If approved, the City will have the ability to file eminent domain proceedings in court, but this may not be necessary, because an agreement has been made with Mr. Column. Mr. Lovell recommended approval of the condemnation resolution in the event the City does not close on the property.

A motion to approve the condemnation was made by Council Member Wren and seconded by Council Member Roth. Motion carried unanimously. Vote 6-0.

Council Member Hodge made a motion to add an item to the agenda, and the motion was seconded by Council Member Roth. Motion carried unanimously. Vote: 6-0.

Added Item:

Mr. Lovell recommended to Council to authorize an agreement to purchase property at $115,000 within two weeks.

Motion to approve the purchase was made by Council Member Wren and seconded by Council Member Roth. Motion carried unanimously. Vote: 6-0.

I. Certification

1. Good Neighbor Homeless Shelter Grant Application

Sam Grove, City Manager stated this is the annual approval/certification requested in order for the Good Neighbor Homeless Shelter to make application for grant funds from the Georgia Department of Community Affairs(DCA). By approving Council states that based on a review of the application and/or supporting documents that: 1. The Good Neighbor Homeless Shelter is within the jurisdiction of this local government, and 2. they are approved for funding by DCA. The application is available to view in the City Clerk's office.

A motion to approve the Good Neighbor Homeless Shelter Grant Application was made by Council Member Hodge and seconded by Council Member Wren. Motion carried unanimously. Vote 6-0.

J. Bid Award/Purchases

1. Village Hills Lighting

Don Hassebrock, Electric Department Head stated the Electric Department is seeking authorization to purchase the materials necessary for lighting the new Village Hills Drive. This road has been accepted into the City as a city street and thus will need to be illuminated at night. Our design calls for seven light poles, with LED lighting fixtures for a grand total of $10,913.00. The materials to which we have standardized are sole-sourced by Irby Company as the regional supplier.

The Electric Department recommends approval of the purchase of the materials from Irby Company for the sum of $10,913.00. This is a budgeted item.

A motion to approve Irby for the Village Hills Lighting was made by Council Member Cooley and seconded by Council Member Roth. Motion carried unanimously. Vote 6-0.

K. Contracts/Agreements

1. Directional Boring Pricing Contracts

Mr. Hassebrock stated the current boring contract is expiring. Contractor bids have been requested in order to receive updated pricing. The City selected the two lower priced contractors for a 3-year period. One of the contractors will be new and the other is our existing contractor.

A motion to approve the two low bid contracts was made by Council Member Roth and seconded by Council Member Fox. Motion carried unanimously. Vote 6-0.

2. Douthit Ferry Road Development Agreement

Gary Riggs, Gas Department Head stated the agreement provides that the developer will

install gas appliances as per our gas advantage program. The Gas Department recommended Council approval of this agreement.

A motion to approve the Douthit Ferry Road Development Agreement was made by Council Member Hodge and seconded by Council Member Roth. Motion carried unanimously. Vote 6-0.

L. Bid Award/Purchases

1. Process Heater for Williams/Transco Expansion

Mr. Riggs stated the Williams/Transco Expansion requires the Gas System to provide a process heater. Control Southern is the sole source provider for this heater and the price is $336,100.00. The Gas Department recommends approval of this item.

A motion to approve Process Heater for Williams/Transco Expansion was made by Council Member Hodge and seconded by Council Member Wren. Motion carried unanimously. Vote 6-0.

M. Contracts/Agreements

1. CSX Preliminary Engineering Agreement

Tommy Sanders, Public Works Department Head stated the Public Works Department and Water Department have a joint project under preliminary review by CSX Railroad. This project, located near the abandoned Cook Street Crossing, includes a proposed culvert removal/ upgrade and a proposed sewer crossing. CSX is requesting the City to sign a preliminary engineering agreement and payment for review of our engineering documents. This agreement requires a payment of $5,700, and if approved will be paid through SPLOST. Public Works recommends approval of this budgeted item.

A motion to approve CSX Preliminary Engineering Agreement was made by Council Member Roth and seconded by Council Member Stepp. Motion carried unanimously. Vote 6-0.

N. Bid/Award Purchases

1. Garbage Cart Purchase

Mr. Sanders stated solid waste solicited quotes for 500 brown carts and 100 green carts with the low bidder being Toter from Statesville, NC for $28,548.08. This is a budgeted purchase and your approval is recommended.

A motion to approve the Garbage Cart Purchase was made by Council Member Cooley and seconded by Council Member Roth. Motion carried unanimously. Vote 6-0.

2. Park Amenities Purchase

Greg Anderson, Parks and Recreation Department Head stated quotes were advertised and received for the purchase of park amenities that will be used in various parks. Park amenities include 11 picnic tables and 15 trash receptacles. The majority of these items are scheduled for use at new Aubrey St. pool and new Dellinger Park new tennis pavilion.

Furniture Leisure, Inc. quote in the amount of $12,475.00 is the low quote and meets all material specifications. I recommend Furniture Leisure, Inc. for this purchase and if approved, these items will be paid out of GO Bond funds.

A motion to approve the Park Amenities Purchase was made by Council Member Cooley and seconded by Council Member Fox. Motion carried unanimously. Vote 6-0.

3. Cultured-Stone Purchase

Mr. Anderson stated Cartersville Parks and Recreation (CPRD) requested pricing for purchase of cultured-stone and flagstone for the proposed new Dellinger Park entrance sign base and columns. Elite Stone is the only local distributor for El Dorado Stone. CPRD attempted to get pricing from Stone Forest Materials, in Kennesaw, but was not provided an estimate.

Cartersville City Council approved Steve Dutton Masonry for the labor in constructing the sign base and columns at the January 18, 2018 Council meeting. Steve Dutton Masonry and Elite Stone have collaborated with an estimated amount of material needed for this project. It is recommended to purchase cultured-stone and flagstone from Elite Stone, in the amount of $10,617.60. This is budgeted project and will be paid from GO Bond funds.

A motion to approve Cultured-Stone Purchase was made by Council Member Cooley and seconded by Council Member Roth. Motion carried unanimously. Vote 6-0.

4. WPCP – Maintenance Shop Roll-Up Door

Bob Jones, Water Department Head stated the maintenance shop roll-up door is dysfunctional. The door is extremely difficult to raise or lower and will jump off track on occasion. Employees enter and exit this building multiple times per day and need to keep expensive parts and tools secure. Quotes were requested from the following three vendors for replacement of the door and all labor and material necessary for installation: Arbon Equipment Corporation $6,145.00; Graham Commercial Contractors, LLC $7,075.00; Overhead Door Company of Atlanta $7,149.60. Arbon Equipment Corporation bid in the amount of $6,145.00 is recommended.

A motion to approve local contractor Graham Commercial Contractors was made by Council Member Stepp and seconded by Council Member Wren. Motion carried unanimously. Vote 6-0.

5. Waterford/Main Street Sewer Lift Station Pump Repair

Mr. Jones stated there have been two pump failures that will require repair and replacement. All sewer lift station pumps contain Flygt brand pumps and require sole source repair and replacement. Based on an evaluation of both pumps, the Waterford Lift Station pump will need to be replaced and the Main Street Lift Station pump can be rebuilt. Flygt has provided the following pricing on the work: Waterford replacement: $9,370.00; Main Street rebuild: $10,378.22. Mr. Jones recommended approval of the Flygt quote in the total amount of $19,748.22.

A motion to approve the Waterford/Main Street Sewer Lift Station Pump Repair and Replacement was made by Council Member Stepp and seconded by Council Member Cooley. Motion carried unanimously. Vote 6-0.

6. Builders Risk Insurance for New Gas Facility

Dan Porta, Assistant City Manager stated with the start of construction occurring soon and material being delivered onsite, the city needs to purchase builders risk insurance for the new Gas Department facility, fuel station and storage building to be located at 155 Old Mill Road. Travelers Insurance came in with the best rate of $7,575 annually for this coverage. The project is estimated at 10 months, so once the project is completed the insurance will be prorated and the city will be refunded for any overpayment. I recommend approval of the Travelers Insurance Builders Risk Insurance coverage for these new facilities.

A motion to approve the Builders Risk Insurance for New Gas Facility was made by Council Member Roth and seconded by Council Member Wren. Motion carried unanimously. Vote: 6-0.

O. First Reading of Ordinances

1. Water & Sewer Master Bond Ordinance

Mr. Porta stated as part of the proposed issuance of new Water & Sewer Revenue Bonds, a Master Bond Ordinance needs to be adopted. For prior Water & Sewer Revenue Bonds, the city has used the original Master Bond Ordinance that was issued in November 1984. With the issuance of these proposed bonds, staff recommends that an updated Bond Ordinance be adopted.

The proposed ordinance is 80+ pages and has been reviewed by Bond Counsel, staff and the City Attorney. A draft version of this document will be emailed to the City Council prior to the Thursday meeting. This is a first reading and does not require a vote at this time.

Mr. Lovell stated there may be some minor changes made and if so they will be presented.

Council Member Stepp made a motion to add three items to the agenda, and the motion was seconded by Council Member Roth. Motion carried unanimously. Vote: 6-0.

Added items:

1. Resolution and Declaration of Taking

Mr. Lovell stated his law office has recused themselves from the Resolution and Declaration of Taking. Mr. Lovell exited the Council Chambers.

Mr. Frank Beecham of Rome, GA came forward and stated he recommended approval of the Resolution and Declaration of Taking of 9.265 acres south of the airport and acres 1.773 permanent easement for drainage.

Mayor Santini stated out of respect for the family who owns this property he would like to open the floor for a public hearing.

Linda Brunt, of Cartersville, GA from the Don Evans Law Group came forward on behalf of Dellinger Holdings. Ms. Brunt stated her strong opposition of the taking even though the Dellinger's understand the need for the airport. Ms. Brunt stated she would like Council to postpone this decision until a plan is created.

Mr. Beecham came forward and stated the City will have to abide by all State and local regulations like anyone else. A preliminary design has been submitted to the City by the Georgia Department of Transportation, but a final design is not yet complete. There are governmental checks and balances in place to ensure drainage is not an issue, and the plans have already been reviewed by City staff and the Dellinger family and their legal representation. The City needs to take action in order to meet deadlines for federal funding.

Ms. Brunt stated Mr. Beecham has been great to work with, but there needs to be a plan in place first and opposed the taking.

With no one else coming forward Mayor Santini closed the public hearing.

Motion to approve the Resolution was made by Council Member Stepp and seconded by Council Member Cooley. Motion carried unanimously. Vote: 6-0.

A RESOLUTION OF THE CITY OF CARTERSVILLE, GEORGIA IN REGARD TO CONDEMNATION PROCEEDINGS RELATING TO CERTAIN PROPERTY NOW OR FORMERLY OWNED BY DELLINGER HOLDINGS, LP; AND FOR OTHER PURPOSES

WHEREAS, the City of Cartersville has found that it is necessary and in the best interests of the City and its residents to carry out certain airport and transportation improvements which consist of enlarging and/or improving the Cartersville-Bartow County Airport runway; and

WHEREAS, it has been determined by the Mayor and City Council of the City of Cartersville that a 9.265 acre portion of the property now or formerly owned by Dellinger Holding, LP, as more particularly depicted on the plan attached hereto as Exhibit "A" (the "Fee Simple"), must be acquired to complete such improvements; and

WHEREAS, it has also been determined by the Mayor and City Council of the City of Cartersville that a certain 1.773 acre permanent easement for drainage through property now or formerly owned by Dellinger Holding, LP, as more particularly depicted on the plan and legal description attached hereto as Exhibit "B" (the "Easement"), must be acquired to complete such improvements (the Fee Simple and Easement collectively referred to as the "Property"); and

WHEREAS, after making good faith efforts to negotiate the acquisition of the Property from the owner of the Property, the City has been unable to acquire the Property through negotiations or otherwise, and it is necessary to proceed in the acquisition and condemnation of the aforesaid Property under the provisions of the Official Code of Georgia (O.C.G.A. § 32-3-6); and

WHEREAS, the Cartersville-Bartow County Airport Authority has recommended to the City of Cartersville that the Property be acquired for the improvement of public transportation, as

shown by the Resolution of the Cartersville-Bartow County Airport Authority attached hereto as Exhibit "C"; and

WHEREAS, the condemnation of the Property is necessary for public transportation purposes; and

WHEREAS, the Property to be condemned shall be used for public purposes.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF CARTERSVILLE, GEORGIA, and it is hereby resolved by authority of same, that the City of Cartersville, Georgia is authorized to institute a proceeding to condemn fee simple title, and permanent easement rights and interests, to the Property herein described, under O.C.G.A. § 32-3-6 and such other provisions of Georgia law as may be required; and

BE IT FURTHER RESOLVED by the authority aforesaid, and it is hereby resolved by authority of same, that the City's attorney is hereby authorized to take such action as is necessary to institute, prosecute, and finalize such condemnation proceedings, and that the City pay for the property condemned as herein described such amount as may be determined in said condemnation proceedings.

BE IT FURTHER RESOLVED by the authority aforesaid, and it is hereby resolved by authority of same, that all resolutions, if any, in conflict with this resolution be and the same are hereby repealed.

Approved this 5th day of April, 2018.

THE CITY OF CARTERSVILLE, GEORGIA

Matt Santini, Mayor, Cartersville, Georgia

Attest:

City Clerk

(SEAL)

241570 1

EXHIBIT "A"

PLAT AND LEGAL DESCRIPTION OF THE FEE SIMPLE ACQUISITION

EXHIBIT "B"

PLAT AND LEGAL DESCRIPTION OF THE EASEMENT ACQUISITION

EXHIBIT "C"

RESOLUTION OF THE CARTERSVILLE-BARTOW COUNTY AIRPORT AUTHORITY

IN THE SUPERIOR COURT OF BARTOW COUNTY
STATE OF GEORGIA

CITY OF CARTERSVILLE, GEORGIA	:	
	:	**CIVIL ACTION NO. _____**
Plaintiff/Condemnor,	:	
	:	
v.	:	
	:	**In Rem Condemnation Proceedings**
NINE AND TWO HUNDRED SIXTY-FIVE THOUSANDTHS (9.265) ACRES OF LAND; CERTAIN ONE AND SEVEN HUNDRED SEVENTY-THREE THOUSANDTHS (1.773) ACRES EASEMENT AND RIGHTS; DELLINGER HOLDING, LP; STEVE STEWART, Tax Commissioner of Bartow County, Georgia; FREDDY WEHUNT, Chairman of the Board of Tax Assessors, Bartow County, Georgia; and ANY AND ALL PERSONS having or claiming any right or interest in and to said described lands,	:	**(Declaration of Taking)**
Defendants/Condemnees.		

DECLARATION OF TAKING

WHEREAS, pursuant to O.C.G.A. § 32-3-6, the Property (more particularly described and depicted on Exhibit "A" and Exhibit "B") is being taken for the use of the City of Cartersville, Georgia, subject to the Order of this Court provided for in O.C.G.A. § 32-3-12, said Order having been filed contemporaneously in this matter (the "Order"); and

WHEREAS, pursuant to O.C.G.A. § 32-3-6 the Mayor and City Council of the City of Cartersville, Georgia has passed a Resolution dated April 5, 2018, a certified copy of which is attached to this Declaration as Exhibit "C", and made a part hereof, finding that it is necessary to acquire the Property for the public purpose of enlarging and/or improving the runway for the Cartersville-Bartow County Airport, a public transportation facility; as fully described in said Order; and

WHEREAS, the Mayor and City Council of Cartersville, Georgia has caused an investigation and report to be made by a competent land appraiser, to estimate the just and adequate compensation for the Property; a copy of the appraiser's sworn statement is attached hereto as Exhibit "D" and made part hereof ("Appraiser=s Statement"); and

WHEREAS, in reliance on that Appraiser=s Statement, the Mayor and Council of the City of Cartersville, Georgia estimates $639,000 as the just and adequate compensation to be paid for the Property, and has deposited that sum in this Court, for the use of the persons entitled thereto;

NOW, THEREFORE, the Mayor and Council of Cartersville, Georgia, under authority of O.C.G.A. § 32-3-1 *et. seq.*, hereby declares that the Property is taken for enlarging and/or improving the runway for the Cartersville-Bartow County Airport, for the purpose of improving the City of Cartersville and Bartow County's transportation systems.

This 5th day of April 2018.

MATT SANTINI
Mayor, City of Cartersville, Georgia

EXHIBIT "A"

PLAT AND LEGAL DESCRIPTION OF THE FEE SIMPLE ACQUISITION

EXHIBIT "B"

PLAT AND LEGAL DESCRIPTION OF THE EASEMENT ACQUISITION

EXHIBIT "C"

RESOLUTION OF THE CITY OF CARTERSVILLE, GEORGIA

EXHIBIT "D"

APPRAISER=S AFFIDAVIT

Revised July 7, 2017

CONTRACT FOR CONSTRUCTION OF AIRPORT

AIRPORT PROJECT NO. AP018-9030-30(015)
PID - T006575

BARTOW COUNTY

LIMITED PARTICIPATION

STATE OF GEORGIA

FULTON COUNTY

** DO NOT UNSTAPLE THIS BOOKLET..
ENTER ALL REQUIRED INFORMATION
EITHER BY HAND OR STAMP.

THIS CONTRACT made and entered into on _____, by and between the DEPARTMENT OF TRANSPORTATION OF GEORGIA, party of the first part (hereinafter called "DEPARTMENT"), and the CITY OF CARTERSVILLE (hereinafter called "SPONSOR"), who have been duly authorized to execute this Contract.

WITNESSETH:

WHEREAS, the DEPARTMENT and the SPONSOR desire the construction of certain work at a certain airport, and the SPONSOR agrees to contract for all the materials and to perform all work and labor for said purpose, the Project being more particularly described as follows:

RSA IMPROVEMENTS PHASE II, CONSTRUCT STORM DRAINAGE SYSTEM AND LAND ACQUISITION/CONDEMNATION AT THE CARTERSVILLE AIRPORT IN CARTERSVILLE, GA

DRAFT

Now, therefore, in consideration of the premises and the mutual covenants herein contained, the parties hereto agree as follows:

(1) The work and materials shall be in strict and entire conformity with the provisions of this contract and the plans on Airport Project No. T006575/AP018-9030-30(015), BARTOW, prepared (or approved) by the Georgia Department of Transportation and in accordance with the Standard Specifications, 2013 Edition, and the Supplemental Specifications and Special Provisions contained in Attachment A, which are hereby made a part of this Contract as fully and to be the same effect as if the same had been set forth at length in the body of this Contract, and the Federal Aviation Administration's Standards for Specifying Construction of Airports, dated July 21, 2014.

The original plans and specifications are on file at the Office of the Georgia Department of Transportation in Atlanta, Georgia and said plans and specifications are hereby made a part of this Contract as fully and to be same effect as if the same had been set forth at length in the body of this Contract.

(2) At the time of execution of this Contract, the SPONSOR agrees to furnish to the DEPARTMENT, at the expense of the SPONSOR, a complete set of plans and specifications for said project, and to furnish to said DEPARTMENT from time to time on demand by the DEPARTMENT to the SPONSOR all revisions of said plans and specifications.

(3) This contract is accepted with the express understanding that no person, firm, corporation or governmental agency can increase the liability of the DEPARTMENT in connection herewith, except under written agreement with the DEPARTMENT.

(4) The DEPARTMENT and the SPONSOR agree that the cost of this Project shall be as follows:

The total estimated cost of the Project is ONE MILLION SIXTY-SIX THOUSAND THREE HUNDRED SIXTY-ONE and 24/100 Dollars ($1,066,361.24). The total estimated cost of the Project as described herein is shown on the Summary of Construction Items in Exhibit A, which is hereby made a part of this Contract as fully and to be the same effect as if the same had been set forth at length in the body of this Contract.

It is further agreed that the DEPARTMENT'S obligation will include state funds in the amount of FIFTY-THREE THOUSAND THREE HUNDRED EIGHTEEN and 00/100 Dollars ($53,318.00) and federal funds in the amount of NINE HUNDRED FIFTY-NINE THOUSAND SEVEN HUNDRED TWENTY-FIVE and 00/100 Dollars ($959,725.00) for the Project as summarized in Exhibit A. It is further agreed that the maximum amount the DEPARTMENT shall be obligated to pay is the total amount of the state and federal share of the project which is ONE MILLION THIRTEEN THOUSAND FORTY-THREE and 00/100 Dollars ($1,013,043.00). However, if the sum total of the actual cost of the Project is less than the amounts indicated in Exhibit A, the DEPARTMENT shall be obligated to pay its 95% share of the actual project cost as verified from the records of the SPONSOR or actual measured quantities of the items listed in the Summary of Construction Items (Exhibit A), whichever is less. It is further understood the SPONSOR'S local share of the project is in the amount of FIFTY-THREE THOUSAND THREE HUNDRED EIGHTEEN and 24/100 Dollars ($53,318.24).

DRAFT

It is further understood and agreed that any costs of the total Project that exceed the above estimated Project costs will be the sole responsibility of the SPONSOR.

It is further understood and agreed that any line item in the Summary of Construction Items as shown in EXHIBIT A may be increased or decreased without the execution of a Supplemental Agreement, provided that the DEPARTMENT'S total maximum obligation under this contract is not changed.

Payments by the DEPARTMENT shall be made upon the submission of monthly work progress statements. The payments by the DEPARTMENT for the work completed, as evidenced by the monthly statements, shall be on a prorated basis. These monthly payments will be made in the amount of sums earned less all previous partial payments. Any amounts held by the SPONSOR as retainage will not be paid by the DEPARTMENT until such retainage is paid by the SPONSOR.

Upon completion of the project, the DEPARTMENT will pay the SPONSOR a sum equal to one hundred percent (100%) of the DEPARTMENT'S share of the compensation set forth herein less the total of all previous partial payments made, or in the process of payment.

The SPONSOR shall maintain all books, documents, papers, accounting records, and other evidence pertaining to costs incurred on the Project and used in support of their proposal and shall make such material available at all reasonable times during the period of the Contract, and for three years from the date of final payment under the Contract, for inspection by the Department and copies thereof shall be furnished if requested.

5) The work shall be done in accordance with the Laws of the State of Georgia and to the satisfaction of the DEPARTMENT. It is further agreed that the SPONSOR shall comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance and use of Federal funds for this project as well as those regulations and requirements included in the Federal Office of Management and Budget Uniform Grant Guidance, 2 CFR Part 200. All construction on this project shall be in accordance and compliance with the 2013 Edition of the Standard Specifications, of the DEPARTMENT, the Supplemental Specifications and Special Provisions included in Attachment A and made a part of this contract and the Standards for Specifying Construction of Airports, dated July 21, 2014, Federal Aviation Administration, hereinafter jointly referred to as the "STANDARDS." The DEPARTMENT reserves the right to refuse payment on any monthly statement presented for work which does not comply with the STANDARDS. The DEPARTMENT reserves the right to withhold the final payment until the project is completed to the DEPARTMENT'S satisfaction and complies with the STANDARDS. The decision of the Chief Engineer upon any question connected with the execution or fulfillment of this Contract shall be final and conclusive.

DRAFT

(6) The SPONSOR further covenants that it is the owner of fee simple title to the land whereon the actual construction of said project is performed, as evidenced by Certificate of Title heretofore furnished to DEPARTMENT.

(7) It is further understood and agreed that no money derived from motor fuel taxes shall be expended for this project and that for the purposes of this contract a specific allotment of funds has been made, from sources other than motor fuel taxes.

(8) To the extent allowed by law, the SPONSOR hereby agrees to defend any and all suits, if any should arise as a result of said project, at the entire expense of said SPONSOR, and to pay from the funds of said SPONSOR any and all settlements or judgments that may be made or had under or as a result of such suits.

(9) To the extent allowed by law, the SPONSOR further agrees to save harmless the DEPARTMENT from any and all claims for any damages whatsoever that may arise prior to or during construction of the work to be done under said project and this contract, or as a result of said construction work whether said damages arise as a result of the actual construction work or from change of grade, change of location, drainage, loss of access, loss of ingress and egress, torts, or any other cause whatsoever; it being the intention of this Contract to save harmless the DEPARTMENT from any claim that could or may arise as a result of construction of said project.

(10) The SPONSOR further agrees that, at its own cost and expense, it will maintain said project in a manner satisfactory to the DEPARTMENT and said SPONSOR will make provisions each year for such maintenance.

(11) It is agreed by the SPONSOR that time is of the essence in the completion of this project and that the obligation of the DEPARTMENT is made in the interest and for the public welfare. Therefore, the SPONSOR shall perform its responsibilities for the project until the maximum allowable cost to the Department is reached or until APRIL 30, 2020, whichever comes first.

(12) To the extent applicable, the SPONSOR certifies that it is in compliance with O.C.G.A § 36-70-20 et seq., and is not debarred from receiving financial assistance from the State of Georgia. Also, the SPONSOR certifies that the funds to be used on the project are consistent with applicable Service Delivery Strategy.

(13) For land purchased for airport development purposes, the SPONSOR will, when the land is no longer needed for airport purposes, dispose of such land and make available to the DEPARTMENT an amount equal to the DEPARTMENT's original monetary participation in the land purchase. Land shall be considered to be needed for airport purposes under this provision if (a) it may be needed for aeronautical purposes (including runway protection zones) and (b) the revenue from interim uses of such land contributes to the financial self-sufficiency of the airport.

(14) In accordance with the provisions of Section 36-81-7 of the Official Code of Georgia Annotated, the SPONSOR will provide certification of compliance with state audit requirements as described in Exhibit B which is hereby made a part of this Contract as if fully set out herein.

(15) Pursuant to O.C.G.A. Sec. 50-5-85, SPONSOR hereby certifies that it is not currently engaged in, and agrees that for the duration of this contract, it will not engage in a boycott of Israel.

DRAFT

(16) In accordance with the provisions of Section 13-10-91 of the Official Code of Georgia Annotated, the SPONSOR will provide certification of compliance with the Georgia Security and Immigration Compliance Act as described in Exhibit C which is hereby made a part of this Contract as if fully set out herein.

(17) It is FURTHER AGREED that the SPONSOR shall comply and require its contractors, subcontractors and consultants to comply with the requirements of Executive Order No. 13513, Federal Leadership on Reducing Text Messaging while driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009.

IN WITNESS WHEREOF, the DEPARTMENT has caused these presents to be executed by the COMMISSIONER of said DEPARTMENT, who has been duly authorized, and by the MAYOR of the CITY OF CARTERSVILLE, who has been duly authorized by the CITY OF CARTERSVILLE, who have hereto set their hands this day and year hereafter written.

DEPARTMENT OF TRANSPORTATION BY:

_____
Commissioner (SEAL)

ATTEST: _____
Treasurer

CITY OF CARTERSVILLE

DATE: _____

_____
MAYOR

_____
PRINTED NAME

This contract approved by

CITY OF CARTERSVILLE

at a meeting held at:

_____

DATE _____

DRAFT

_____
Clerk (SEAL)

_____
Federal ID/IRS #

DRAFT

CARTERSVILLE AIRPORT
Cartersville, GA

SUMMARY OF CONSTRUCTION ITEMS

EXHIBIT A

GDOT Project Number: AP018-9030-30(015) Bartow
PID: T006575

RSA IMPROVEMENTS PHASE II: CONSTRUCT STORM DRAINAGE SYSTEM & LAND ACQUISITION/CONDEMNATION

ITEM	Spec	DESCRIPTION	UNIT	QTY	UNIT PRICE	TOTAL	FEDERAL FUNDS	%	STATE FUNDS	%
Storm Drainage System Construction										
1	GDOT 151	Mobilization	LS	1	$ 55,495.94	$ 55,495.94	$ 49,946.35	90%	$ 2,774.80	5.0%
2	GDOT 167	Water Quality Monitoring, Sampling, and Reporting	EA	2	$ 295.00	$ 590.00	$ 531.00	90%	$ 29.50	5.0%
3	GDOT 167	Water Quality Inspections	MO	3	$ 413.00	$ 1,239.00	$ 1,115.10	90%	$ 61.95	5.0%
4	GDOT 171	Orange Construction Fence	LF	200	$ 1.16	$ 232.00	$ 208.80	90%	$ 11.60	5.0%
5	P-151-4.1	Clearing and Grubbing	AC	2	$ 8,850.00	$ 17,700.00	$ 15,930.00	90%	$ 885.00	5.0%
6	P-156-5.1a	Temporary Seeding Complete	AC	2	$ 1,285.02	$ 2,570.04	$ 2,313.04	90%	$ 128.50	5.0%
7	P-156-5.1b	Hay Bale Check Dam, Including installation, maintenance, & removal	LF	70	$ 5.90	$ 413.00	$ 371.70	90%	$ 20.65	5.0%
8	P-156-5.1c	Stone Check Dam, including installation, maintenance, & removal	EA	1	$ 574.25	$ 574.25	$ 516.83	90%	$ 28.71	5.0%
9	P-156-5.1d	Construction Entrance/Exit, Including installation, maintenance, & removal	EA	1	$ 1,394.88	$ 1,394.88	$ 1,255.39	90%	$ 69.74	5.0%
10	P-156-5.1e	Silt Fence (Type C), Sensitive Area, Including installation, maintenance, & removal	LF	4000	$ 4.74	$ 18,960.00	$ 17,064.00	90%	$ 948.00	5.0%
11	GDOT 500	Concrete, Class A	CY	6	$ 1,475.00	$ 8,599.25	$ 7,738.82	90%	$ 429.96	5.0%
12	GDOT 511	Reinforcing Steel	LB	428	$ 4.72	$ 2,020.16	$ 1,818.14	90%	$ 101.01	5.0%
13	GDOT 603	Rip Rap, Type 3 (18in)	SY	535	$ 36.53	$ 19,543.55	$ 17,589.20	90%	$ 977.18	5.0%
14	GDOT 615	Jack and Bore 72" Steel Pipe, 0.5" W.T., Under Existing 48" waterline	LF	50	$ 1,135.64	$ 56,782.00	$ 51,103.80	90%	$ 2,839.10	5.0%
15	D-701-5.1	Reinforced Concrete Pipe, 54" dia., Class V	LF	808	$ 406.01	$ 328,056.08	$ 295,250.47	90%	$ 16,402.80	5.0%
16	D-751-5.1	Pre-Cast Reinforced Concrete Manhole, 72-inch dia., Including Frame and Solid Lid	EA	3	$ 6,547.03	$ 19,641.09	$ 17,676.98	90%	$ 982.05	5.0%
17	T-901-5.1	Permanent Seeding Complete	AC	2	$ 1,534.00	$ 3,068.00	$ 2,761.20	90%	$ 153.40	5.0%
18	FAA	Construction Administration	EA	31930.00	$ 1.00	$ 31,930.00	$ 28,737.00	90%	$ 1,596.50	5.0%
19	FAA	Construction Inspection/Testing	EA	36899.00	$ 1.00	$ 36,899.00	$ 33,209.19	90%	$ 1,844.54	5.0%
20	FAA	ALP Update	EA	137853.00	$ 1.00	$ 137,853.00	$ 124,067.70	90%	$ 6,892.65	5.0%
		Total Storm Drainage System Construction				**$743,561.24**	**$669,205.00**		**$37,178.00**	
Land Acquisition/Condemnation										
21	FAA	Land Acquisition (Dellinger Parcel) Total Appraised value $639,600, $316,800 covered in AP017-9030-29	EA	322800.00	$ 1.00	$ 322,800.00	$ 290,520.00	90%	$ 16,140.00	5.0%
		Total Land Acquisition/Condemnation				**$322,800.00**	**$290,520.00**		**$16,140.00**	
		TOTAL PROJECT COST				**$1,066,361.24**	**$959,725.00**		**$53,318.00**	

FAA Federal Grant and FAIN #	Federal Award Date	Amount	Fund Source
3-13-SBGP-017-2015	9/17/2015	$959,725.00	22136
State FY18		$53,318.00	01181
Total Maximum Obligation of State and Federal Funds this Contract:		$1,013,043.00	

CFDA: 20.106 - DUNS - 809006760
Indirect Cost Rate - N/A - Research and Development Contract - No

EXHIBIT B

CERTIFICATION OF COMPLIANCE WITH STATE AUDIT REQUIREMENT

I hereby certify that I am the duly authorized representative of _____ whose address is _____, and it is also certified that:

The provisions of Section 36-81-7 of the Official Code of Georgia Annotated, relating to the "Requirement of Audits" have been complied with in full such that:

(a) Each unit of local government having a population in excess of 1,500 persons or expenditures of $175,000.00 or more shall provide for and cause to be made an annual audit of the financial affairs and transactions of all funds and activities of the local government for each fiscal year of the local government.

(b) The governing authority of each local unit of government not included above shall provide for and cause to be made the audit required not less often than once every two fiscal years.

(c) The governing authority of each local unit of government having expenditures less than $175,000.00 in that government's most recently ended fiscal year may elect to provide for and cause to be made, in lieu of the biennial audit, an annual report of agreed upon procedures for that fiscal year.

(d) A copy of the report and any comments made by the state auditor shall be maintained as a public record for public inspection during the regular working hours at the principal office of the local government. Those units of local government not having a principal office shall provide a notification to the public as to the location of and times during which the public may inspect the report.

DRAFT

_____ Date

_____ Signature

Georgia Department of Transportation

GEORGIA SECURITY AND IMMIGRATION COMPLIANCE ACT AFFIDAVIT

Contractor's Name:	City of Cartersville
Solicitation/Contract No./ Call No. or Project Description:	T006575/AP018-9030-30(015) Bartow RSA Improvements Phase II: Construct Storm Drainage System and Land Acquisition/Condemnation at the Cartersville Airport in Cartersville, GA

CONTRACTOR AFFIDAVIT

By executing this affidavit, the undersigned contractor verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, entity or corporation which is engaged in the physical performance of services on behalf of the Georgia Department of Transportation has registered with, is authorized to use and uses the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-91.

Furthermore, the undersigned contractor will continue to use the federal work authorization program throughout the contract period and the undersigned contractor will contract for the physical performance of services in satisfaction of such contract only with subcontractors who present an affidavit to the contractor with the information required by O.C.G.A. § 13-10-91(b). Contractor hereby attests that its federal work authorization user identification number and date of authorization are as follows:

109605 — 4/21/2008

Federal Work Authorization User Identification Number (EEV/E-Verify Company Identification Number) — Date of Authorization

DRAFT

City of Cartersville

Name of Contractor

I hereby declare under penalty of perjury that the foregoing is true and correct

Printed Name (of Authorized Officer or Agent of Contractor) — Title (of Authorized Officer or Agent of Contractor)

Signature (of Authorized Officer or Agent) — Date Signed

SUBSCRIBED AND SWORN BEFORE ME ON THIS THE

DATE: _____

Notary Public [NOTARY SEAL]

My Commission Expires: _____

Department of Transportation
State of Georgia

MARCH 8, 2018

SPECIAL PROVISIONS

AIRPORT PROJECT NO. T006575/AP018-9030-30(015) BARTOW
RSA IMPROVEMENTS PHASE II: CONSTRUCT STORM DRAINAGE SYSTEM AND LAND ACQUISITION/CONDEMNATION AT THE CARTERSVILLE AIRPORT IN CARTERSVILLE, GA

S.P. CODE	SPECIAL PROVISIONS DESCRIPTION
108-1-01-SP	Prosecution and Progress
109-1-01-SP	Measurement and Payment

DRAFT

DEPARTMENT OF TRANSPORTATION
STATE OF GEORGIA

SPECIAL PROVISION

Section 108—Prosecution and Progress

Retain Subsection 108.03 except as modified below:

For this Project, the Progress Schedule required by Subsection 108.03 need not be submitted.

DRAFT

DEPARTMENT OF TRANSPORTATION
STATE OF GEORGIA

SPECIAL PROVISION

Section 109—Measurement & Payment

Delete the first sentence of Subsection 109.07.A, paragraph one, and substitute the following:

A. General: On the tenth day of each calendar month, the total value of Items complete in place will be estimated by the Engineer and certified for payment.

DRAFT

2. Declaration of Taking

Frank Beecham recommended approval of the Declaration of Taking.

Motion to approve the declaration taking was made by Council Member Stepp and seconded by Council Member Fox. Motion carried unanimously. Vote: 6-0.

IN THE SUPERIOR COURT OF BARTOW COUNTY
STATE OF GEORGIA

CITY OF CARTERSVILLE, GEORGIA	:	
	:	**CIVIL ACTION NO. _____**
Plaintiff/Condemnor,	:	
	:	
v.	:	
	:	**In Rem Condemnation Proceedings**
NINE AND TWO HUNDRED SIXTY-FIVE THOUSANDTHS (9.265) ACRES OF LAND; CERTAIN ONE AND SEVEN HUNDRED SEVENTY-THREE THOUSANDTHS (1.773) ACRES EASEMENT AND RIGHTS; DELLINGER HOLDING, LP; STEVE STEWART, Tax Commissioner of Bartow County, Georgia; FREDDY WEHUNT, Chairman of the Board of Tax Assessors, Bartow County, Georgia; and ANY AND ALL PERSONS having or claiming any right or interest in and to said described lands,	:	**(Declaration of Taking)**
Defendants/Condemnees.		

DECLARATION OF TAKING

WHEREAS, pursuant to O.C.G.A. § 32-3-6, the Property (more particularly described and depicted on Exhibit "A" and Exhibit "B") is being taken for the use of the City of Cartersville, Georgia, subject to the Order of this Court provided for in O.C.G.A. § 32-3-12, said Order having been filed contemporaneously in this matter (the "Order"); and

WHEREAS, pursuant to O.C.G.A. § 32-3-6 the Mayor and City Council of the City of Cartersville, Georgia has passed a Resolution dated April 5, 2018, a certified copy of which is attached attached to this Declaration as Exhibit "C", and made a part hereof, finding that it is necessary to acquire acquire the Property for the public purpose of enlarging and/or improving the runway for the Cartersville-Bartow County Airport, a public transportation facility; as fully described in said Order; and

WHEREAS, the Mayor and City Council of Cartersville, Georgia has caused an investigation and report to be made by a competent land appraiser, to estimate the just and adequate compensation for the Property; a copy of the appraiser's sworn statement is attached hereto as Exhibit "D" and made part hereof ("Appraiser's Statement"); and

WHEREAS, in reliance on that Appraiser's Statement, the Mayor and Council of the City of Cartersville, Georgia estimates $639,000 as the just and adequate compensation to be paid for the Property, and has deposited that sum in this Court, for the use of the persons entitled thereto;

NOW, THEREFORE, the Mayor and Council of Cartersville, Georgia, under authority of O.C.G.A. § 32-3-1 *et. seq.*, hereby declares that the Property is taken for enlarging and/or improving the runway for the Cartersville-Bartow County Airport, for the purpose of improving the City of Cartersville and Bartow County's transportation systems.

This 5th day of April 2018.

MATT SANTINI
Mayor, City of Cartersville, Georgia

EXHIBIT "A"

PLAT AND LEGAL DESCRIPTION OF THE FEE SIMPLE ACQUISITION

CO	= CLEAN OUT	WM	= WATER METER
ICV	= IRRIGATION VALVE	WV	= WATER VALVE
IPF	= IRON PIN FOUND	L.L.	= LAND LOT
IPP	= IRON PIN PLACED	L.L.L.	= LAND LOT LINE
OTP	= OPEN TOP PIPE	PP	= POWER POLE
CTP	= CRIMPED TOP	-P-	= POWER LINE
R/W	= RIGHT OF WAY	-X-	= FENCE LINE
CM	= CONCRETE MONUMENT	CH.	= CHORD
N/F	= NOW OR FORMERLY	A or L	= ARC LENGTH

BOUNDARY SURVEY FOR:

CARTERSVILLE-BARTOW COUNTY AIRPORT

LOCATED IN LAND LOT 998,
4th DISTRICT, 3rd SECTION,
CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA
BEING PART OF TAX PARCEL: C107-0001-029

DATE: JULY 19, 2016	REV:	JOB NO:16057
DATE OF FIELDWORK: JUNE 9, 2016		

SOUTHLAND ENGINEERING
CIVIL ENGINEERS - LAND SURVEYORS - LAND PLANNERS
114 OLD ALA. ROAD, CARTERSVILLE, GA 30120 PH: 770.387.0440 FAX: 770.607.5121

0 40 80 160 240
SCALE: 1" = 80' GRAPHIC SCALE

General Notes

1. ALL PROPERTY CORNERS ARE 1/2" REBAR, EXCEPT AS SHOWN
2. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF 1' IN 41,200 FEET, AND AN ANGULAR ERROR OF 03" PER ANGLE POINT, AND WAS ADJUSTED USING THE COMPASS RULE
3. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN 1' IN XXX,XXX FEET.
4. EQUIPMENT USED: TOPCON 3005W, TOTAL STATION, WITH DATA COLLECTOR.
5. RIGHTS OF WAY ARE BASED UPON PINS FOUND AND/OR CENTERLINES OF PATHS OF TRAVEL.

Conformity Statement

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67

KEVIN COONEY - GA PLS 2980

Recording Statement

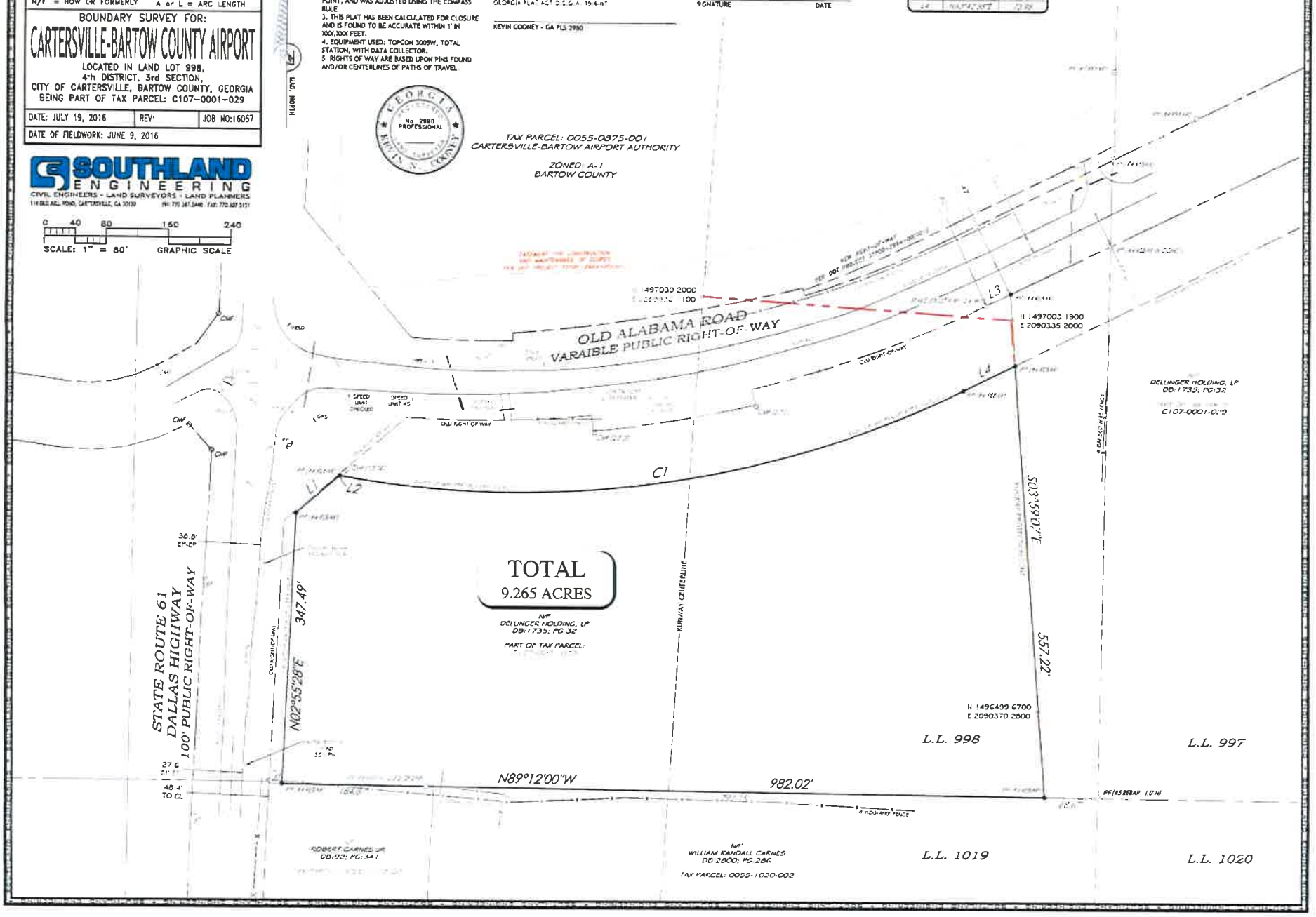
THIS PLAT HAS BEEN REVIEWED BY THE ZONING DEPARTMENT AND IS AUTHORIZED TO BE RECORDED.

SIGNATURE DATE

GEORGIA No. 2980 PROFESSIONAL KEVIN N. COONEY

LINE TABLE		
LINE	BEARING	LENGTH
L1	N49°07'36"E	73.38
L2	[illegible]	[illegible]
L3	N63°54'20"E	34.18
L4	[illegible]	[illegible]

CURVE TABLE				
CURVE	LENGTH	RADIUS	DIRECTION	CHORD
C1	1603.38'	1205.00'	[illegible]	[illegible]



ALL THAT TRACT OR PARCEL OF LAND LYING IN LAND LOT 998, 4TH DISTRICT, 3RD SECTION, CITY CARTERSVILLE, BARTOW COUNTY, GEORGIA, AND BEING MORE PARTICULARY DESCRIPED AS FOLLOWS:

COMMENCING AT AN IRON PIN FOUND (#5 REBAR) 1.0 FEET TO THE NORTH OF THE INTERSECTION OF LAND LOTS 997, 998, 1019 & 1020; THENCE NORTH 89°12'00" EAST 68.67 FEET TO A POINT AND THE TRUE POINT OF BEGINNING;

THENCE FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED; NORTH 89°12'00" WEST, 982.02 FEET AN IRON PIN PLACED (#4 REBAR) ON THE EASTERN RIGHT-OF-WAY OF STATE ROUTE 61 A.K.A. DALLAS HIGHWAY (100' PUBLIC RIGHT-OF-WAY); THENCE ALONG SAID RIGHT-OF-WAY NORTH 02°55'28" EAST, 347.49 FEET TO AN IRON PIN PLACED (#4 REBAR) ON THE SOUTHERLY INTERSECTION OF OLD ALABAMA ROAD (VARIABLE PUBLIC RIGHT-OF-WAY) AND STATE ROUTE 61 A.K.A. DALLAS HIGHWAY (100' PUBLIC RIGHT-OF-WAY); THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY OF OLD ALABAMA ROAD THE FOLLOWING BEARINGS AND DISTANCES; NORTH 49°07'36" EAST, 73.38 FEET TO AN IRON PIN PLACED (#4 REBAR); SOUTH 80°00'00" EAST, 2.16 FEET TO A POINT; THENCE IN AN EASTERLY DIRECTION WITH NON-TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 1300.00 FEET, HAVING A CHORD BEARING OF NORTH 81°51'19" EAST AND A CHORD DISTANCE OF 809.69 FEET AND AN ARC LENGTH OF 823.38 FEET TO AN IRON PIN PLACED (#4 REBAR); THENCE NORTH 63°42'38" EAST, 73.98 FEET TO AN IRON PIN PLACED (#4 REBAR); THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 03°59'07" EAST, 557.22 FEET TO AN IRON PIN PLACED (#4 REBAR) AND THE TRUE POINT OF BEGINNING; SAID TRACT OR PARCEL OF LAND CONTAINS 9.265 ACRES MORE OR LESS SHOWN ON SURVEY PREPARED BY SOUTHLAND ENGINEERING.

EXHIBIT "B"

PLAT AND LEGAL DESCRIPTION OF THE EASEMENT ACQUISITION

CO	= CLEAN OUT	WM	= WATER METER
ICV	= IRRIGATION VALVE	WV	= WATER VALVE
IPF	= IRON PIN FOUND	L.L.	= LAND LOT
IPP	= IRON PIN PLACED	L.L.L.	= LAND LOT LINE
OTP	= OPEN TOP PIPE	PP	= POWER POLE
CTP	= CRIMPED TOP	-P-	= POWER LINE
R/W	= RIGHT OF WAY	-X-	= FENCE LINE
CM	= CONCRETE MONUMENT	CH	= CHORD
N/F	= NOW OR FORMERLY	A or L	= ARC LENGTH

EASEMENT EXHIBIT FOR:

CARTERSVILLE-BARTOW COUNTY AIRPORT

LOCATED IN LAND LOTS 997 & 998,
4th DISTRICT, 3rd SECTION,
CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA
BEING PART OF TAX PARCEL: C107-0001-029

DATE: JULY 19, 2016	REV:	JOB NO:16057
DATE OF FIELDWORK: JUNE 9, 2016		

SOUTHLAND ENGINEERING
CIVIL ENGINEERS - LAND SURVEYORS - LAND PLANNERS
114 OLD MILL ROAD, CARTERSVILLE, GA 30120 PH: 770 387 0440 FAX: 770 607 5151

0 40 80 160 240
SCALE: 1" = 80' GRAPHIC SCALE

General Notes

1. ALL PROPERTY CORNERS ARE 1/2" REBAR, EXCEPT AS SHOWN.
2. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF 1' IN 41,200 FEET, AND AN ANGULAR ERROR OF 03" PER ANGLE POINT, AND WAS ADJUSTED USING THE COMPASS RULE.
3. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN 1' IN XXX,XXX FEET.
4. EQUIPMENT USED: TOPCON 3005W, TOTAL STATION, WITH DATA COLLECTOR.
5. RIGHTS OF WAY ARE BASED UPON PINS FOUND AND/OR CENTERLINES OF PATHS OF TRAVEL.

Conformity Statement

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

KEVIN COONEY - GA PLS 2980

Recording Statement

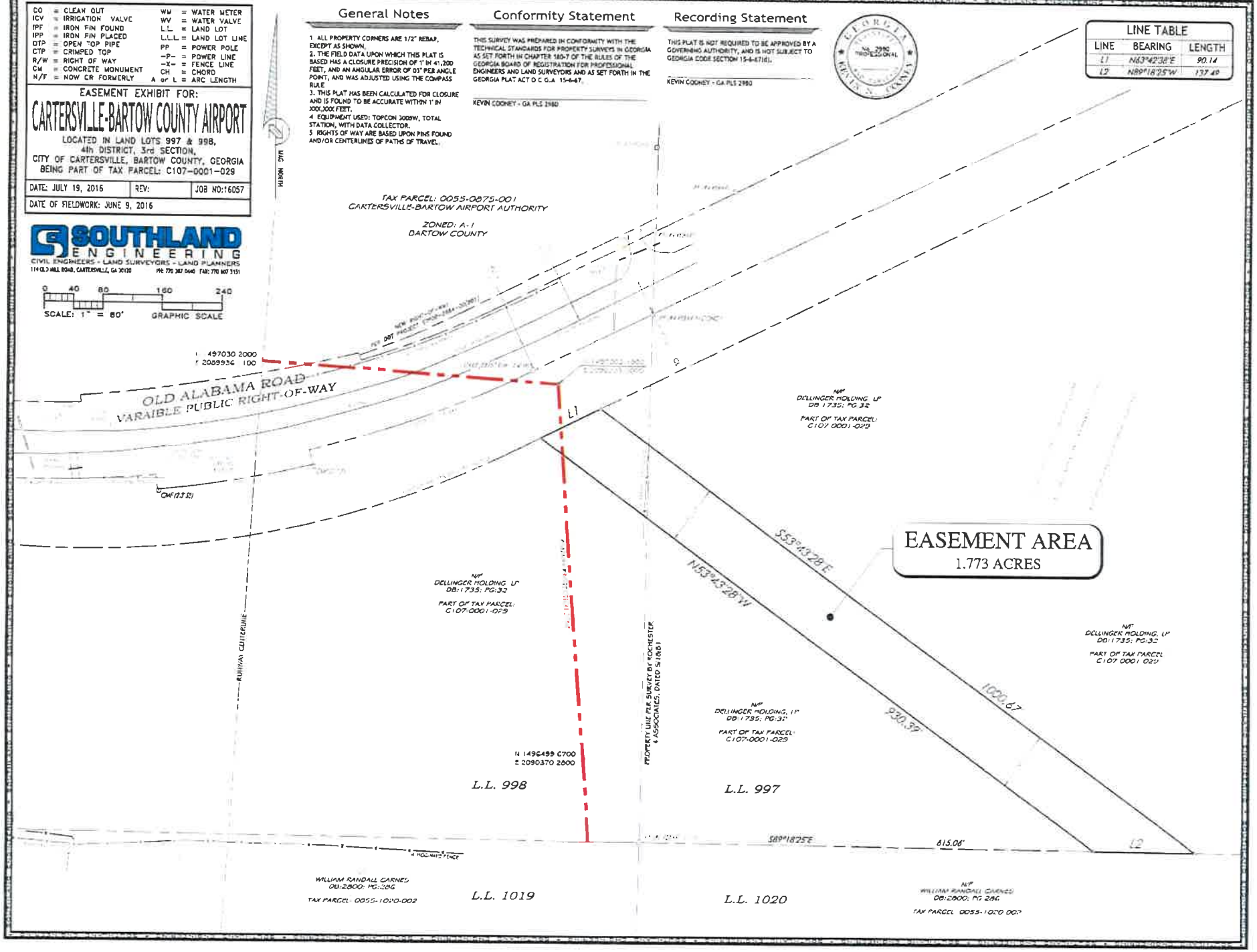
THIS PLAT IS NOT REQUIRED TO BE APPROVED BY A GOVERNING AUTHORITY, AND IS NOT SUBJECT TO GEORGIA CODE SECTION 15-6-67(d).

KEVIN COONEY - GA PLS 2980

GEORGIA REGISTERED PROFESSIONAL LAND SURVEYOR No. 2980

LINE TABLE

LINE	BEARING	LENGTH
L1	N63°42'38"E	90.14
L2	N89°18'25"W	137.49



ALL THAT TRACT OR PARCEL OF LAND LYING IN LAND LOTS 997 & 998, 4TH DISTRICT, 3RD SECTION, CITY CARTERSVILLE, BARTOW COUNTY, GEORGIA, AND BEING MORE PARTICULARY DESCRIPED AS FOLLOWS:

COMMENCING AT AN IRON PIN FOUND (#5 REBAR) 1.0 FEET TO THE NORTH OF THE INTERSECTION OF LAND LOTS 997, 998, 1019 & 1020; THENCE SOUTH 89°18'25" EAST 615.06 FEET TO A POINT AND THE TRUE POINT OF BEGINNING;

THENCE FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED; THENCE NORTH 53°43'28" WEST, 930.39 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF OLD ALABAMA ROAD (VARIABLE PUBLIC RIGHT-OF-WAY); THENCE ALONG SAID RIGHT-OF-WAY NORTH 63°42'38" EAST, 90.14 FEET TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 53°43'28" EAST, 1,000.67 FEET TO A POINT; THENCE NORTH 89°18'25" WEST, 137.49 FEET TO A POINT AND THE TRUE POINT OF BEGINNING; SAID TRACT OR PARCEL OF LAND CONTAINS 1.773 ACRES MORE OR LESS SHOWN ON SURVEY PREPARED BY SOUTHLAND ENGINEERING.

EXHIBIT "C"

RESOLUTION OF THE CITY OF CARTERSVILLE, GEORGIA

EXHIBIT "D"

APPRAISER'S AFFIDAVIT

U.S. Department of Transportation
Federal Aviation Administration

CERTIFICATE OF APPRAISER

Airport	Project Number	Parcel No.
Cartersville Airport	NA	NA
	Project Location: Bartow County, Georgia	

I hereby certify:

That on August 2, 2017 (date) (s), I personally made a field inspection of the property herein appraised and that I have afforded the property owner the opportunity to accompany me at the time of inspection. I have also personally made a field inspection of the comparable sales relied upon in making said appraisal. The subject and the comparable sales relied upon in making said appraisal were as represented by the photographs contained in said appraisal or in the data book or report that supplements the appraisal.

That to the best of my knowledge and belief the statements contained in the appraisal attached hereto are true and the information contained therein upon which the opinion of value expressed below is based is correct, subject to the limiting conditions set forth in the appraisal.

That I understand this market value appraisal is to be used in connection with the acquisition of land for an airport project by City of Cartersville with the assistance of FAA funds or other Federal funds.

That such appraisal has been made in conformity with the appropriate State laws, regulations, policies, and procedures applicable to appraisal of land for such purposes, and that to the best of my knowledge no portion of the value assigned to such property consists of items which are noncompensable under the established law of said State.

That any decrease or increase in the fair market value of real property prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within reasonable control of the owner, has been disregarded in determining the compensation for the property.

That neither my employment nor my compensation for making this appraisal are in any way contingent upon the values reported herein.

That I have no direct or indirect, present or contemplated, future personal interest in such property or in any benefit from the acquisition of such property appraised.

That I have not revealed the findings and results of such appraisal to anyone other than the proper officials of the acquiring agency of said Airport or officials of the Federal Aviation Administration and I will not do so until so authorized by said officials, or until I am required to do so by due process of law, or until I am released from this obligation by having publicly testified as to such findings.

That the conclusion set forth in this appraisal is my independent opinion of the value of the property as of the 2nd day of August 2017, and that such conclusion was reached without collaboration or direction as to value.

It is my opinion that the fair market value of the above captioned real property is as follows:

Value before acquisition	$ $710,900
Value after acquisition	$ $71,900
Value difference	$ $639,000

The property has been appraised for its fair market value as though owned in fee simple, or as encumbered only by the existing easement in favor of Not applicable

The opinion of value expressed above is the result of and is subject to the data and conditions described in detail in this report of 41 pages plus Exhibits.

Date of contract: June 9, 2017

Typed name: Jeffrey T. O'Dell, MAI

Signature:

Date: August 16, 2017

Note. - Other statements, required by the regulations of an appraisal organization of which the appraiser is a member or by circumstances connected with the appraisal assignment or the preparation of the appraisal, may be inserted where appropriate.

3. Contract with the Georgia Department of Transportation (GDOT)

Mr. Lovell returned to the Council Chambers.

Mr. Porta came forward and stated they recommended the GDOT contract pending approval of the City Manager and City Attorney. Contract includes information in regards to the stormwater drainage easement. The state has approved the appraised value and Mr. Porta recommended its approval pending review from the City Manager and City Attorney.

Motion approve the GDOT contract was made by Council Member Stepp and seconded by Council Member Roth.

Mayor Santini asked if there was anyone in the audience present who would like to come before Council tonight, and if so to please come forward.

Augustus King, of Cartersville, GA came forward to express his concern for the amount of traffic on his road. Mr. Kind stated the traffic is dangerous between South Avenue and Bartow Street.

With no further business to come before Council a motion to adjourn the meeting was made by Council Member Stepp and needing no second. Motion carried unanimously. Vote: 6-0.

Meeting Adjourned

/s/ Matthew J. Santini
Matthew J. Santini
Mayor

ATTEST:

/s/ Meredith Ulmer
Meredith Ulmer
City Clerk