

CITY COUNCIL  
ATLANTA, GEORGIA

A RESOLUTION  
BY COUNCILMEMBER CLAIR MULLER  
AS SUBSTITUTED BY FULL COUNCIL

05-R-1289

**A RESOLUTION TO DECLARE THE INTENT OF THE CITY OF ATLANTA TO EXERCISE RESTRAINT AND PRUDENCE IN ITS EXERCISE OF THE POWER OF EMINENT DOMAIN FOR PUBLIC PURPOSES, AND FOR OTHER PURPOSES.**

**WHEREAS**, the Georgia Constitution grants the City of Atlanta the power of eminent domain to condemn property for public purposes; and

**WHEREAS**, the City of Atlanta is committed to judicious uses of its power of eminent domain, where the use of such power is derived from the State and Federal Constitutional protections of private property, and

**WHEREAS**, the City of Atlanta recognizes the concerns of its citizens to protect their property from seizure for the sole purpose of transferring, leasing, or allowing the use of such property to a private developer, corporation, or other entity; and

**WHEREAS**, the City of Atlanta recognizes the concerns of its citizens to provide a healthy, safe, viable and vibrant community where economic development is encouraged, greenspace is protected and neighborhoods and commercial corridors are not surrendered to blight or degradation; and

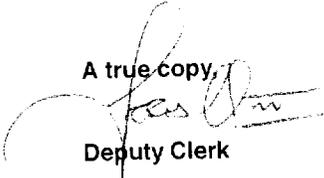
**WHEREAS**, the City of Atlanta does recognize that to accomplish its purposes, it may desire to avail itself of the full breadth of its constitutionally granted power of eminent domain for public purposes; and

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:**

**Section 1:** That the City Council shall investigate and identify its proposed uses for the power of eminent domain as it relates to on-going and proposed programs.

**Section 2:** That the City Council does not intend to employ the power of eminent domain solely for the purpose of improving tax revenue or expanding the tax base of the City of Atlanta by transferring, leasing, or allowing the use of such property to a private developer, corporation, or other entity solely to expand tax revenue or increase the taxable value of the property.

**Section 3:** That the City Council shall respect the concerns of communities and citizens by employing the power of eminent domain sparingly, where such uses for redevelopment will be strictly and narrowly construed as authorized and defined by state law and limited by the Georgia Constitution.

A true copy,  
  
Deputy Clerk

ADOPTED by the Council  
RETURNED WITHOUT SIGNATURE OF THE MAYOR  
APPROVED as per City Charter Section 2-403

JUL 18, 2005

JUL 27, 2005

RCS# 6859  
7/18/05  
6:24 PM

Atlanta City Council

Regular Session

05-R-1289

DECLARE INTENT COA EXCERCISE RESTRAINT &  
PRUDENCE WITH POWER OF EMINENT DOMAIN  
ADOPT ON SUB

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 1  
ABSENT 0

E Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
NV Winslow	Y Muller	Y Sheperd	NV Borders

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**05-R-1289**  
 (Do Not Write Above This Line)

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 AND PRUDENCE IN ITS EXERCISE OF  
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 OTHER PURPOSES.

**ADOPTED BY**  
 JUL 1 8 2005  
**COUNCIL.**

**SUBSTITUTE**

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 07/05/05  
 Referred To: AD/HR  
 Date Referred FIN/EXEC  
 Referred To:  
 Date Referred  
 Referred To:

First Reading  
 Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Referred To \_\_\_\_\_

Committee FIN/EXEC  
 Date 7/13/05  
 Chair Dennis Starnes  
 Action Fav, Adv, Hold (see rev. side)  
 Other \_\_\_\_\_  
 Members [Signatures]  
 Refer To \_\_\_\_\_

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Action Fav, Adv, Hold (see rev. side)  
 Other \_\_\_\_\_  
 Members \_\_\_\_\_  
 Refer To \_\_\_\_\_

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Action Fav, Adv, Hold (see rev. side)  
 Other \_\_\_\_\_  
 Members \_\_\_\_\_  
 Refer To \_\_\_\_\_

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Action Fav, Adv, Hold (see rev. side)  
 Other \_\_\_\_\_  
 Members \_\_\_\_\_  
 Refer To \_\_\_\_\_

FINAL COUNCIL ACTION  
 2nd  1st & 2nd  3rd  
 Readings  
 Consent  V Vote  RC Vote

JUL 1 8 2005

**CERTIFIED**  
 JUL 1 8 2005  
 [Signature]  
 MUNICIPAL CLERK

MAYOR'S ACTION

**APPROVED**  
 JUL 2 7 2005  
 WITHOUT SIGNATURE  
 BY OPERATION OF LAW