

**RESOLUTION TO EXERCISE THE POWER OF EMINENT DOMAIN TO ACQUIRE
THE NECESSARY INTEREST TO MAINTAIN A CEMETERY KNOWN AS
MACEDONIA CEMETERY PURSUANT TO O.C.G.A. §36-72-3**

WHEREAS, the Board of Commissioners of Fulton County have determined that there is a certain cemetery known as "Macedonia Cemetery", which cemetery is in need of maintenance and is in an abandoned state, said Macedonia Cemetery being located in Land Lot 329, 1st District, 1st Section of originally Cherokee County, then Milton, and now Fulton County, Georgia, a description of said cemetery and the two (2) acre tract upon which it rests being more fully described in *Exhibit A*, attached hereto and made a part hereof, and hereinafter referred to as "Cemetery"; and,

WHEREAS, under O.C.G.A. §36-72-3, counties are authorized to preserve and protect any abandoned cemeteries or any burial grounds which the county determines has been abandoned or is not being maintained by the person who is legally responsible for its upkeep; and,

WHEREAS, there are no persons of record who have been located to legally be responsible for said Cemetery's upkeep and maintenance; and,

WHEREAS, it is now necessary and desirable to provide for the acquisition of the necessary interests in said Cemetery pursuant to said O.C.G.A. §36-72-3 to acquire the land necessary for the purpose of maintenance of said Cemetery; and,

WHEREAS, it is appropriate for the Land Administrator of Fulton County to procure the professional services to accomplish the acquisition of said interest and to perform such other services as are necessary for said Cemetery's acquisition; to initiate and coordinate the process of obtaining the maintenance rights to said Cemetery and to make the required acquisition payments, as necessary, as hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of Fulton County as follows:

Section I - That the Land Administrator of Fulton County be and hereby is authorized and directed to take all necessary steps with the assistance of the County Attorney to acquire the maintenance rights to said Cemetery described in *Exhibit A* pursuant to O.C.G.A. §36-72-3 in order to preserve and protect said Cemetery known as "Macedonia Cemetery".

The Legal Department is hereby directed with respect to said described real estate to institute condemnation proceedings in the name of Fulton County for the quick

and effective condemnation of said property and of every interest therein, for the public uses above set forth, as provided by the Constitution and Laws of Georgia, and to use the Special Master method of taking as provided in O.C.G.A. § 22-2-100, *et seq.*

Section II - Upon the acquisition of the statutory interests in said Macedonia Cemetery, the Parks and Recreation Department is authorized and directed to expend funds to install monuments and other accoutrements to enhance the beauty, serenity, and recognition of the historical significance of the Macedonia Cemetery.

This 15th day of April, 1998.

FULTON COUNTY BOARD OF COMMISSIONERS

By: Mitch J. Skandalakis
Mitch J. Skandalakis, Chairman

Attest: Lois E. Shell LOIS E. SHELL, CHIEF DEPUTY CLERK
Clerk of Commission

APPROVED AS TO FORM

Barry Weaver
Assistant Fulton County Attorney

ITEM #0524, FROM 4/15/98, AML