

AN ORDINANCE OF THE CITY OF CORNELIA, GEORGIA AMENDING THE CITY OF CORNELIA MINIMUM DEVELOPMENT STANDARDS, ARTICLE III, PROCEDURES, TO ESTABLISH DEVELOPMENT ASSISTANCE REAL PROPERTY INTEREST ACQUISITION STANDARDS, TO ESTABLISH AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

IN THE CITY OF CORNELIA, GEORGIA

Ordinance No. 11-25-02

WHEREAS, the duly elected governing authority of the City of Cornelia, Georgia is authorized under Article IX, Section II, Paragraph III of the Constitution of the State of Georgia to adopt reasonable ordinances to protect the public health, safety, and welfare of the citizens of the City Of Cornelia, Georgia; and

WHEREAS, the duly elected governing authority of the City of Cornelia, Georgia is the Mayor and City Commission therefore; and

WHEREAS, the governing authority desires to adopt standards so as to require, when adequate property interests do not exist to provide for the required improvements necessary to accomplish an applicant's approved development, a minimum good faith effort to obtain any necessary real property interests before the City can consider using its powers to assist in the acquisition of a necessary real property interest.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF CITY OF CORNELIA, GEORGIA, AND IT IS ESTABLISHED AS FOLLOWS:

Section 1. That ARTICLE III, Procedures, of the Minimum Development Standards of the City of Cornelia is specifically amended so as to add a new Section 344 - Development Assistance Real Property Interest Acquisition, that shall read in its entirety as follows:

SEC. 344. - DEVELOPMENT ASSISTANCE REAL PROPERTY INTEREST ACQUISITION.

When adequate property interests do not exist to provide for the required improvements necessary to accomplish the applicant's approved development, the applicant shall undertake a "good-faith effort" to secure the needed property interests. If the applicant is unsuccessful in obtaining the needed property interests and has demonstrated a "good-faith effort," the City may, but shall not be required to, utilize its power of eminent domain to secure adequate property interests required for the approved development. At a minimum, a "good-faith effort" shall consist of (1) the applicant obtaining a real estate appraisal determining the value of the necessary real property interest; (2) the applicant sending a certified letter to all affected property owners offering at minimum the appraised value for the real property interests sought; and (3) the applicant attempting to negotiate with the affected property owner for the voluntary acquisition of the real property

interests sought. The applicant shall document the “good-faith effort” by providing the City copies for the project file of correspondence demonstrating the offer, responses and negotiation efforts set forth above. In the event the City’s property interest acquisitions services are required for the project, the applicant shall be required to reimburse all costs incurred by the City to acquire the needed property interests. Prior to the City initiating any property interest acquisition efforts through its power of eminent domain, the applicant shall post a bond for each real property interest acquisition matter with the City Building & Zoning Department equal to the sum of the appraised value for the needed real property interest and an estimate of the City’s anticipated legal costs and expenses established by the City Manager.”

Section 2. Severability. If any of the provisions of this ordinance or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this resolution are declared to be severable.

Section 4. Effectivity. This ordinance will become effective upon its adoption.

Posted: November 4, 2025

Adopted: _____

John Borrow, Mayor

Attest: _____
Debbie Turner, City Clerk

(SEAL)