

Georgia insight

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*"She hath done what she could."
Mark 14:8a*

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Georgia Family's 4-Year Battle to Keep Their Own Property

"The act of damaging one American for the advantage of another, whether it is slavery or any other persecution, is wrong and is poison to the American way of life." – Mark Meeks, Property Owner

On October 14, 2005 the Georgia Senate Eminent Domain and Economic Development Study Committee met in Stockbridge, Georgia to a standing-room-only crowd. It was their latest in a series of meetings throughout the state to hear citizen reaction to the U.S. Supreme Court's *Kelo* decision that overturned traditional property rights. The Court ruled that officials have power to condemn or force the sale of property if its redevelopment would be economically beneficial.

A Stockbridge official accused the committee of interfering with city business and angrily asked, "Should any *one* person hold up the city's planned revitalization?" That "one person" was Mark Meeks, the Stockbridge florist whose business the city condemned for revitalization purposes. On November 8th Mr. Meeks provided us with the following update.

Two Dreams, One American and One Tyrannical

"If our property can be condemned, any property can be condemned." – Mark Meeks

In 2003, our family was on the verge of realizing the "American Dream." We had worked hard for 20 years enhancing and protecting our investment in our business. We were in the process of selling our property to a private developer when the City revealed *their dream for our property*. Their dream was to construct a beautiful development they believed would improve the community. Their tactics were tyrannical. After changing the zoning to stop the sale, they offered \$500,000.00 *less* than the private developer that did not have condemnation powers. We could accept their offer or face condemnation. We refused their absurd offer and our property was condemned in 2005.

The City's attempted taking of our property was found to be unlawful by the Henry County Superior Court and the Georgia Court of Appeals. The Henry County Superior Court awarded us attorneys' fees, in the amount of \$130,941.97. This sounds like a lot of money, but in reality it is about half of our expenses to defend our property against the condemnation. The City could not take our property, but they were very successful in draining our financial resources.

The Court's Award contains detailed findings of fact and a thorough explanation of the basis for the award. The court found that (a) as early as 2003, the City had expressed interest in and tried to buy our property for a new town center redevelopment in the same place our florist shop now sits. The Court found (b) the City had proposed to exchange our property for finished retail and residential space in the new town center development in the same place where our florist shop now sits. The Court found that (c) the City adopted an Urban Redevelopment Plan in January 2005 showing private office and retail space (and no civic building space) on our property. The Court (d) recounted the City's formal preparations from January through June 2005 to have the City's Urban Redevelopment Agency condemn our property as a "slum" area under Georgia's Urban Redevelopment Law.

The Court (e) found that on August 25, 2005, the City reversed course and adopted a resolution declaring a need to build unspecified “public facilities” on our property. The Court (f) found that the City’s condemnation petition filed less than one week later gave no specific purpose for the taking, but relied on the City’s own conclusory statement of “public facilities” in the August 25 resolution. Though the Mayor and City Manager testified at a special master hearing, the Court found that (g) the City failed to prove a need for the property and had no use-plan for it.

The City planned, at least since 2004, to have its Urban Redevelopment Agency take the property as a “slum area” for private use under the Urban Redevelopment Law. But the City didn’t bring the case under the Urban Redevelopment Law, alleging that it needed the property for unspecified public facilities and offered this bare allegation as the sole basis for the taking.

After resting its power to condemn on, ostensibly, having a public purpose for the taking, the City refused to state or to prove any such purpose. The City made no effort to plead or prove what “public facilities” it planned to build on the property or why it suddenly wanted to build “public facilities” on the property when it had designated the property for private use for years.

Under “such a complete absence of any justifiable issue of ... fact,” the Court (h) ruled that an award for attorneys’ fees and litigation expenses was mandatory, regarding the City’s “public facilities” allegation. Also, “It could not be reasonably believed [the superior court] would accept” the City’s claim and the City offered no specific allegation or evidence to support it. The Court (i) also determined that a discretionary award [to us] of attorneys’ fees and litigation expenses was proper because the City’s “public use” allegation was “substantially frivolous,” was “substantially groundless,” and therefore “lacked substantial justification.”

The City’s conduct throughout this entire case did nothing more than paint itself into a corner. Because “public facilities” allegations lacked factual and legal support, the City could not have anyone vouch for it under oath and couldn’t risk placing in the court record development plans it did not intend to follow. Results: The condemnation petition had to be dismissed; court time and resources were wasted; and we had to pay significant and unnecessary fees and expenses.

After the City bungled the entire case, they then inexplicably chose to build the new city hall on one side of our quarter-acre property and the parking lot on the other. This senseless plan clearly indicates their intention¹ to further molest our family with future actions or oblige the Citizens of Stockbridge to hike around our property in order to conduct business at the city hall. In the current plan the City chose to surround our property with their “public facilities” project. An aerial view of that proposal clearly shows that the City could have easily located their project in a more favorable location.

Actions of the City of Stockbridge have proven to be prompted by nothing more than a group of ambitious people seizing the government of a sovereign and free people for their own perverted personal purposes. The act of damaging one American for the advantage of another, whether it is slavery or any other persecution, is wrong and is poison to the American way of life.

We are often asked, how can you stand it? My answer lies in the courageous history of our forefathers, who marched more than a hundred miles without shoes, leaving bloody footprints in the snow to fight for and secure our right to be free from tyranny. With a history such as that, we are obligated to protect these precious rights to the best of our ability.

¹ The City has threatened to take the case to the Supreme Court if the next decision favors the Meeks family.

February 5th is Georgia's Presidential Primary

Have Your Picture ID Ready and Vote for a Candidate That Will Uphold Your Values

Why should anyone object to showing a picture I.D. to prove eligibility to vote? To write a check at Wal-Mart, buy a ticket for a plane or train, rent a video from Blockbuster or enter a government building, including the State Capitol, you must show a picture ID. If you think non-citizens should be allowed to vote in Georgia, go to Mexico and try to vote in an election.

S.B. 84 was introduced in 2005 and, finally, passed January 24, 2006 after legislators heard accounts of flagrant voter fraud that's been rampant for decades. Over the years, dishonest people have voted multiple times, using different machines in the same election; absentee ballots have been mishandled or illegally obtained; and ballot numbers from certain voting machines have been so inconsistent they couldn't be trusted.

In the November 6, 2000 election, 15,198 dead people remained registered on the state's voter rolls and 5,412 of their names had been used to cast fraudulent votes. Minutes of the State Elections Commission revealed specific accounts of voter fraud from various counties.

Fulton County and other jurisdictions received bundles of voter registrations that revealed attempted voter fraud. When a bundle of 1,200 voter registration forms was checked to confirm voter addresses, about half came back. In Hancock County 328 registered voters listed the same residence and most of them voted absentee. A DeKalb County widow received an eligibility form meant to reconfirm her husband's voter registration, though he had died ten years earlier. Someone had voted in his name and then forged his signature on a confirmation card.

In the mid-'90s Dodge County, Georgia set a record for experiencing the biggest election fraud in the country. Of its 17,000 population, 21 were indicted for illegal voting practices in the 1996 county commission election between two Democrats. A campaign worker had "assisted" someone to vote by using the name of a woman who died the year before. Another person couldn't vote at her polling place because someone had already cast an absentee ballot in her name. Fraud was so bad that the election was re-held and absentee ballots decreased over two-thirds. At least 30 convicted felons had voted, although felons cannot legally vote in Georgia.

Voters in Georgia elections must provide one of the following documents:

1. A Georgia driver's license, even if it has expired;
2. A valid state or federal government issued photo ID, including one issued by the Department of Driver Services or your county registrar's office;
3. A valid U.S. passport;
4. A valid employee photo ID from any branch, department, agency, or entity of the U.S. government, Georgia, or any county, municipality, board, authority, or other entity of this state;
5. A valid U.S. military photo ID; or
6. A valid tribal photo ID.

If you don't have one of the above valid forms of ID, a Georgia Voter Identification Card is available FREE of charge in your county registrar's office or at any Department of Driver Services Office. You are not required to include any identification when voting absentee by mail. If you have questions, you may call 1 877 725-9797 or visit www.GaPhotoID.com.

Would the Presidential Candidate You Support Agree with the Following?

A Resolution

To Re-Establish the Safety and Security of the American People And to Petition Our Government to End the Current “Silent Amnesty”

Whereas, since the 1986 amnesty, twelve to twenty million persons have entered and remain in the United States illegally; and

Whereas, it is reliably estimated that at least 700,000 persons continue to enter the United States illegally every year, not counting those who are apprehended, detained, or deported; and

Whereas, it is a violation of U.S. law to enter our country illegally, or to use fraudulent documents, or to overstay a visa that permits a temporary visit in the United States; and

Whereas, the Secure Fence Act passed by Congress and signed by President Bush on October 26, 2006, requires the construction of 854 miles of a double fence on our southern border, but less than 20 miles have been built and there are indications that such a fence may never be built; and

Whereas, a fence is essential to stop the massive invasion of persons and vans of illegal drugs so that our Border Patrol can devote manpower and resources to apprehend and deport potential terrorists and criminals; and

Whereas, the invasion of America by illegal aliens, among whom may be Islamic terrorists, threatens our safety and our security; and

Whereas, the United States Constitution makes it the duty of Congress to call forth “the Militia to execute the Laws of the Union . . . and repel invasions” (Article I, Section 8), and to “protect each of them [the states] against invasion” (Article IV, Section 4);

Therefore, Be It Resolved that the Georgia General Assembly demands that the Executive and Legislative Branches of our Government take immediate action to restore the Rule of Law to the United States and terminate the Silent Amnesty which ignores massive violations of our laws against illegal entry, illegal hirings, and illegal overstays of visitors’ visas; and

Be It Further Resolved that the Georgia General Assembly demands that the Executive and Legislative Branches of our Government take immediate action to secure our borders by every appropriate means, including construction of the border fence, hiring and empowering additional Border Patrol and National Guard personnel, and instituting adequate technology for employee verification and visitor visa tracking; and

Be it Further Resolved that this resolution must be forwarded to all members of the U.S. Congressional Delegation from the state of Georgia and to the President of the United States.

**ACTION – Please (a) be sure the presidential candidate that gets your vote supports the above resolution.
(b) Copy the above and ask your State Senator and State Representative to introduce this resolution in the 2008 legislative session.**

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