

House Resolution 141

By: Representative Smith of the 169th

A RESOLUTION

1 Compensating Bobby W. Kirkland and Carolyn Kirkland; and for other purposes.

2 WHEREAS, Bobby W. Kirkland and Carolyn Kirkland own a farm located six miles north
3 of Alma, Georgia, where U.S. Highway 1 and Georgia Highway 23 split; and

4 WHEREAS, the Georgia Department of Transportation constructed drainage canals adjacent
5 to U.S. Highway 1 and Georgia Highway 23 where the department has easements; and

6 WHEREAS, in 1995, Mr. and Mrs. Kirkland planted 29 acres of the farm in blueberries; and

7 WHEREAS, the Georgia Department of Transportation failed to properly maintain the
8 drainage canals causing water to flood Mr. and Mrs. Kirkland's blueberry fields; and

9 WHEREAS, the backup of water drowned nine acres of blueberries on Mr. and Mrs.
10 Kirkland's farm, and one of the canals remains completely blocked; and

11 WHEREAS, as a result of this drainage problem, Mr. and Mrs. Kirkland have suffered a loss
12 in blueberry production and a loss in revenues. From calendar years 1998 through 2000, Mr.
13 and Mrs. Kirkland have suffered unreimbursed property losses totaling \$39,827.16, with
14 projected losses in calendar years 2001 through 2003 totaling \$129,600.00; and

15 WHEREAS, such losses occurred through no fault or negligence on the part of Mr. and Mrs.
16 Kirkland, and it is only fitting and proper that they be compensated for their losses.

17 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF
18 GEORGIA that the Department of Transportation is authorized and directed to pay to Bobby
19 W. Kirkland and Carolyn Kirkland, jointly, the sum of \$169,427.16 as compensation as
20 provided above. Said sum shall be paid from funds appropriated to or available to said
21 Department of Transportation and shall be in full and complete satisfaction of all claims

1 against the state arising out of said occurrence.