

**IN THE SUPERIOR COURT OF DEKALB COUNTY  
STATE OF GEORGIA**

<b>DEKALB COUNTY, GEORGIA</b>	)	
<b>Condemnor,</b>	)	
	)	
<b>v.</b>	)	<b>Case No.:</b> _____
	)	
<b>Certain easement rights; and</b>	)	<b>Parcel:</b> <b>47</b>
<b>Promise Homes Borrower I, LLC; All</b>	)	<b>Project:</b> <b>Glenwood Road</b>
<b>unknown tenants, occupants, lessees or</b>	)	<b>Sidewalk Project</b>
<b>the like at 4688 Glenwood Road, Decatur,</b>	)	<b>Phase III</b>
<b>GA 30035; Irvin J. Johnson, DeKalb</b>	)	<b>Pay-in:</b> <b>\$1,100.00</b>
<b>County Tax; Commissioner; Hon. Bedelia</b>	)	<b>Judge:</b> _____
<b>C. Hargrove, DeKalb County Probate</b>	)	
<b>Court Judge; and any and all others</b>	)	
<b>having or claiming any interest in the</b>	)	
<b>herein described lands, individually,</b>	)	
<b>Condemnees.</b>	)	

**DECLARATION OF TAKING**

WHEREAS, DEKALB COUNTY, GEORGIA has made a finding and determination that the circumstances in connection with acquiring certain easement rights to construct improvements to a public transportation system, and which improvements are commonly known as **Glenwood Road Sidewalk Project – Phase III**, are such that it is necessary to acquire the title, estate or interest in the lands as fully described in this Declaration of Taking, by condemnation through the exercise of the power of eminent domain of DeKalb County, Georgia a certified copy of such Resolution and Order being attached hereto as Appendix “A” to this Exhibit “A” and made a part hereof; and

WHEREAS, DEKALB COUNTY, GEORGIA finds the circumstances of this case make it necessary to employ the declaration of taking method as Condemnor believes the title of the apparent owner is defective, doubtful, incomplete, or in controversy, or that there are or may be unknown persons or nonresidents who have or may have some claim or demand thereon, or that

there are taxes due or that should be paid thereon, or that it is desirable to have a quick and effective judicial ascertainment of any question connected with Condemnor's acquisition of the property described herein by the exercise of the power of eminent domain including, but not limited to, a judicial ascertainment of the just and adequate compensation Condemnor shall pay, and a judicial ascertainment of what person or persons are entitled to such compensation ; and

WHEREAS, said easement rights are for public road and transportation purposes upon, across, and over the tract of land in DeKalb County, Georgia as fully described in the attachment hereto identified as Appendix "B" to this Exhibit "A" and made a part hereof; and

WHEREAS, DEKALB COUNTY, GEORGIA caused an investigation and report to be made by a competent, state-licensed, and independent real estate appraiser to estimate the sum of money to be deposited in the Court as just and adequate compensation for the easements rights with a copy of the appraiser's sworn statement being attached hereto identified as Appendix "C" to Exhibit "A" and made part hereof; and

WHEREAS, in consequence of such sworn statement, Appendix "C" to Exhibit "A," DEKALB COUNTY, GEORGIA estimates the sum of **ONE THOUSAND ONE HUNDRED AND NO/100ths DOLLARS (\$1,100.00)** as just and adequate compensation to be paid for said easement rights, as fully described in Appendix "B" to Exhibit "A", attached hereto, and now deposits said sum in the registry of the Court, to the use of the persons entitled thereto; and

WHEREAS, to maintain a projected schedule of construction it is necessary that the Property for the construction of said project be acquired without delay; and

WHEREAS, the parcel of Property as herein described and listed in the Petition, attachments, or below, are essential for the construction of said project.

NOW THEREFORE, the premises considered, DEKALB COUNTY, GEORGIA under authority of the laws of Georgia, Official Code of Georgia Sections 32-3-1 through 32-3-19, declares that it is necessary that the Property as described in appendices hereto, be acquired by condemnation, and that said Property or interest therein as described in appendices hereto and in the Petition is taken for public and governmental purposes, more specifically for public road and transportation purposes, and that the same is necessary for the construction of a transportation project.

DEKALB COUNTY, GEORGIA, through its Chief Executive Officer and Board of Commissioners, has authorized the acquisition of the title, estate or interest in the lands described by condemnation under the provisions of law, has exercised its power of eminent domain, and has authorized the filing of condemnation proceedings, to acquire said title, estate or interest in said lands and to deposit in the Court the sum estimated as just compensation, all in accordance with law. Let there be attached hereto as Appendix "A" to this Exhibit "A" the Resolution and Order of the DeKalb County, Georgia's Chief Executive Officer and its Board of Commissioners finding that circumstances are such that it is necessary to proceed in the particular case under the provisions of Article1, Chapter 3, Title 32, Official Code of Georgia Annotated.

This \_\_\_\_\_ day of \_\_\_\_\_, 2025.

DEKALB COUNTY BOARD OF COMMISSIONERS

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Michelle Long Spears  
Presiding Officer  
Board of Commissioner  
DeKalb County, Georgia

Approved by the Chief Executive Officer of DeKalb County this \_\_\_\_ day of \_\_\_\_\_, 2025.

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Lorraine Cochran-Johnson  
Chief Executive Officer  
DeKalb County, Georgia

ATTEST:

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Barbara H. Sanders-Norwood, CCC  
Clerk to the DeKalb County, Georgia  
Board of Commissioners and Chief Executive Officer

**Appendix “A” to Exhibit “A”**

Resolution and Order of DeKalb County, Georgia

**RESOLUTION AND ORDER OF DEKALB COUNTY, GEORGIA  
AUTHORIZING CONDEMNATION BY DECLARATION OF TAKING  
METHOD PURSUANT TO THE PROVISIONS OF O.C.G.A. §§ 32-3-4 ET  
SEQ. OF A TRACT OF LAND COMPRISED CERTAIN EASEMENT  
RIGHTS, BEING PROJECT PARCEL 47, LAND LOT 189 OF THE 15<sup>th</sup>  
DISTRICT, DEKALB COUNTY, GEORGIA**

WHEREAS, pursuant to Article 9, Paragraph 5 of the Georgia Constitution, counties may acquire private property in fee simple or in any lesser interest by eminent domain for public purposes; and

WHEREAS, DeKalb County, Georgia has laid out and determined to construct, improve and maintain a public road in DeKalb County, Georgia as part of a local project commonly known and designated as **Glenwood Road Sidewalk Project – Phase III** and being more fully shown on a map and drawing on file in the office of DeKalb County, Georgia and on DeKalb County, Georgia's website; and

WHEREAS, Section 4 of Chapter 3 of Title 32 of the Official Code of Georgia Annotated and following sections authorize DeKalb County, Georgia to file a condemnation proceeding *in rem* under a method known as the Declaration of Taking to acquire private property interests for public road or other public transportation purposes upon payment of just and adequate compensation therefore to the person or persons entitled to such payment upon the Chief Executive Officer and Board of Commissioners' finding that circumstances are appropriate and necessary for the use of said method;

WHEREAS, the Chief Executive Officer and Board of Commissioners of DeKalb County, Georgia find and believe the circumstances are appropriate for the use of the Declaration of Taking method to acquire property for public road or other public transportation purposes belonging to Promise Homes Borrower I, LLC, being known as project Parcel 47, Land Lot 189 of the 15<sup>th</sup>

District, DeKalb, County, Georgia, for one or more of the reasons set forth in O.C.G.A. § 32-3-4 as the same may be amended from time to time, including, but not limited to, a desire in the interests of justice to have judicial ascertainment of any and all questions connected with the condemnation.

WHEREAS, to maintain DeKalb County, Georgia's projected schedule of road construction, it is appropriate and necessary for the easements rights for the construction of said project be acquired without delay; and

WHEREAS, the easement rights as herein described and as listed below, shown of record as owned by the person named herein, all as described and shown in the annexes to this order hereinafter enumerated, all of said annexes, by reference made a part of this order, are essential for the construction of said project:

Certain Easement Rights

Appendix 1 – Annex I –

Legal Description

Annex II –

Plat

Owner:

Promise Homes Borrower I, LLC; All unknown tenants, occupants, lessees or the like at 4688 Glenwood Road, Decatur, GA 30035; Irvin J. Johnson, DeKalb County Tax Commissioner; Honorable Bedelia C. Hargrove, DeKalb County Probate Judge; and any and all others having or claiming interest therein in the described lands, individually

NOW, THEREFORE, the Chief Executive Officer and the Board of Commissioners of DeKalb County, Georgia find the circumstances are such that it is appropriate and necessary easement rights as described in the annexes to this Resolution and Order be acquired by

condemnation under the provisions of the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19; and

IT IS ORDERED that DeKalb County, Georgia proceed to acquire the title, estate or interest in the lands hereinafter described in the annexes to this Resolution and Order by condemnation under the provisions of said Code, and DeKalb County, Georgia's attorneys and its outside attorneys are authorized and directed to file condemnation proceedings, including a Declaration of Taking, to acquire said title, estate or interest in said lands and to deposit in the Court the sum estimated as just compensation, all in accordance with the provisions of said Code, and the Chief Executive Officer is authorized to execute this Resolution and Order, a Declaration of Taking and any other documents necessary to effectuate the same.

This \_\_\_\_\_ day of \_\_\_\_\_, 2025.

DEKALB COUNTY BOARD OF COMMISSIONERS

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Michelle Long Spears  
Board of Commissioner  
DeKalb County, Georgia

Approved by the Chief Executive Officer of DeKalb County this \_\_\_\_ day of \_\_\_\_\_, 2025.

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Lorraine Cochran-Johnson  
Chief Executive Officer  
DeKalb County, Georgia

ATTEST:

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Barbara H. Sanders-Norwood, CCC  
Clerk to the DeKalb County, Georgia  
Board of Commissioners and Chief Executive Officer



**Annex I of Appendix A of Exhibit A**

**Legal Description**

PROJECT NAME: Glenwood Road Sidewalk Project – Phase III  
COUNTY: Dekalb County  
PROPERTY TAX ID NO.: 15-189-02-040  
PARCEL NO.: 47  
DATE OF R/W/ PLANS: April 12, 2022  
LAST REVISED PLANS: Drawing No. 60-0016 on August 5, 2022, and No. 60-0030 on May 6, 2025  
CERTAIN EASEMENT RIGHTS:  
PROPERTY OWNERS: Promise Homes Borrower I, LLC; All unknown tenants, occupants, lessees or the like at 4688 Glenwood Road, Decatur, GA 30035; Irvin J. Johnson, DeKalb County Tax Commissioner; Honorable Bedelia C. Hargrove, DeKalb County Probate Judge; and any and all others having or claiming interest therein in the described lands, individually

**TEMPORARY CONSTRUCTION EASEMENT CONTAINING 1,050.00 S.F.**

All that tract or parcel of land lying and being in Land Lot 189 of the 15th Land District of Dekalb County, Georgia, being shown described within on the attached plats marked and being more particularly described as follows:

Beginning at point 48 being 35.00 feet left of and opposite Station 178+79.84 on the construction centerline of GLENWOOD ROAD on Dekalb County Project Glenwood Road Sidewalks Improvements - Phase III; running thence N 2°23'24.9" E a distance of 49.00 feet to point DE10201 being 49.00 feet left of and opposite station 178+79.84 on said construction centerline laid out for GLENWOOD ROAD; thence S 87°36'35.1" E a distance of 35.00 feet to point DE10202 being 49.00 feet left of and opposite station 179+54.84 on said construction centerline laid out for GLENWOOD ROAD; thence S 2°23'24.9" W a distance of 14.00 feet to point 50 being 35.00 feet left of and opposite station 179+54.84 on said construction centerline laid out for GLENWOOD ROAD; thence N 87°36'35.1" W a distance of 35.00 feet back to the point of beginning.

Consisting of 1,050.00 square feet more or less

Said temporary easement is condemned for the right to construct slopes and is shown described within on the attached plats dated 04/12/22, Drawing Nos. 60-0016 last revised on August 5, 2022, and No. 60-0030 on May 6, 2025. Said temporary construction easement shall expire upon completion and acceptance of the project.

**TEMPORARY DRIVEWAY EASEMENT**

Also taken is a temporary easement for the construction of a driveway as shown on the attached plat as follows:

All that tract or parcel of land lying and being in Land Lot 189 of the 15th Land District of Dekalb County, Georgia, being shown described within on the attached plats marked and being more particularly described as follows:

Beginning at a point 49.00 feet left of and opposite Station 179+24.00 on the construction centerline laid out for GLENWOOD ROAD; running thence N 2°23'24.9" E a distance of 6.00 feet to point 55.00 feet left of and opposite station 179+24.00 on said construction centerline laid out for GLENWOOD ROAD; thence S 87°36'35.1" E a distance of 30.84 feet to a point 55.00 feet left of and opposite station 179+54.84 on said construction centerline laid out for GLENWOOD ROAD; thence S 2°23'24.9" W a distance of 6.00 feet to point 49.00 feet left of and opposite station 179+54.84 on said construction centerline laid out for GLENWOOD ROAD; thence N 87°36'35.1" W a distance of 30.84 feet back to the point of beginning.

Containing 0.004 acres more or less.

Said temporary driveway easement is shown on the attached plats dated 04/12/22, Drawing Nos. 60-0016 last revised on August 5, 2022 and No. 60-0030 on May 6, 2025. Said temporary driveway easement will expire upon completion and acceptance of the project and the driveway constructed therein will remain in place for use by the Condemnees.

**Annex II of Appendix A of Exhibit A**

**Plat**

DeKalb County, Georgia

I, Barbara H. Sanders-Norwood, do hereby certify that I am DeKalb County, Georgia's County Clerk.

I further certify the foregoing \_\_\_\_\_ pages constitute a true and correct exact copy of an Resolution and Order of DeKalb County, Georgia entered on the \_\_\_\_ day of \_\_\_\_\_, 2025 as the same applies to the tract or parcel of land described in said \_\_\_\_\_ pages; and the original of said Resolution and Order is on file at my office at 1300 Commerce Drive, Decatur, Georgia 30030.

Given under my hand and the Seal of DeKalb County, Georgia this \_\_\_\_ day of \_\_\_\_\_, 2025.

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Barbara H. Sanders-Norwood, CCC  
Clerk to the DeKalb County, Georgia  
Board of Commissioners and Chief Executive  
Officer

## **APPENDIX B TO EXHIBIT A**

**Description of Property from which Certain Easement Rights Are Taken**

**DESCRIPTION OF PROPERTY FROM WHICH  
CERTAIN EASEMENT RIGHTS ARE TAKEN**

Project: **Glenwood Road Sidewalk Project – Phase III**

Record Owner(s): **Promise Homes Borrower I, LLC; All unknown tenants, occupants, lessees or the like at 4688 Glenwood Road, Decatur, GA 30035; Irvin J. Johnson, DeKalb County Tax Commissioner; Honorable Bedelia C. Hargrove, DeKalb County Probate Judge; and any and all others having or claiming interest therein in the described lands, individually**

Said easement rights as described in Appendix A is for public road purposes in DeKalb County, Georgia, as defined by law across and over certain tracts of land located in Land Lot 189 of the 15<sup>th</sup> Land of DeKalb County. Said tract of land consisting of approximately 0.26 acres of land.

**APPENDIX C TO EXHIBIT A**

**Appraiser's Certificate**