

**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 OF CERTAIN EASEMENT
RIGHTS, BEING PROJECT PARCEL 48, LAND LOT 189 OF THE 15th
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 Louis Donalson, being known as project Parcel 48, Land Lot 189 of the 15th 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 certain easement 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:

Louis Donalson; Mortgage Research Center, LLC d/b/a Veterans United Home Loans; Mortgage Electronic Registration Systems, Inc.; Irvin J. Johnson, DeKalb County Tax Commissioner; Hon. Bedelia C. Hargrove, DeKalb County Probate Court Judge; and any and all others having or claiming any interest in the herein 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 that the right of way and easements, if any, 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

Michelle Long Spears
Board of Commissioner
DeKalb County, Georgia

Approved by the Chief Executive Officer of DeKalb County this ____ day of _____, 2025.

Lorraine Cochran-Johnson
Chief Executive Officer
DeKalb County, Georgia

ATTEST:

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.: 15-189-02-039
PARCEL NO.: 48
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: Louis Donalson; Mortgage Research Center, LLC d/b/a Veterans United Home Loans; Mortgage Electronic Registration Systems, Inc.; Irvin J. Johnson, DeKalb County Tax Commissioner; Hon. Bedelia C. Hargrove, DeKalb County Probate Court Judge; and any and all others having or claiming any interest in the herein described lands, individually

TEMPORARY CONSTRUCTION EASEMENT CONTAINING 675.00 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 50 being 35.00 feet left of and opposite Station 179+54.84 on the construction centerline of Glenwood Road; running thence N 2°23'24.9" E a distance of 9.00 feet to point DE10203 being 44.00 feet left of and opposite station 179+54.84 on said construction centerline laid out for GLENWOOD ROAD; thence S 87°36'35.1" E a distance of 75.00 feet to point 44.00 feet left of and opposite station 180+29.84 on said construction centerline laid out for GLENWOOD ROAD; thence S 2°23'24.9" W a distance of 9.00 feet to point 52 being 35.00 feet left of and opposite station 180+29.84 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 675.00 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 No. 60-0016 last revised on August 5, 2022, and No. 60-0030, last revised 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 44.00 feet left of and opposite Station 180+00.00 on the construction centerline of GLENWOOD ROAD; running thence N 2°23'24.9" E a distance of 6.00 feet to point 50.00 feet left of and opposite station 180+00.00 on said construction centerline laid out for GLENWOOD ROAD; thence S 87°36'35.1" E a distance of 29.84 feet to point 50.00 feet left of and opposite station 180+29.84 on said construction centerline laid out for GLENWOOD ROAD; thence S 2°23'24.9" W a distance of 6.00 feet to point 44.00 feet left of and opposite station 180+29.84 on said construction centerline laid out for GLENWOOD ROAD; thence N 87°36'35.1" W a distance of 29.84 feet back to the point of beginning.

Containing 0.004 acres more

Said temporary driveway easement is shown on the attached plats dated 04/12/22, Drawing No. 60-0016 last revised on August 5, 2022 and No. 60-0030 last revised 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.

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