

**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.**

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 **Constitution Road Freight Corridor Improvements Project** 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, the governing authority of DeKalb County, Georgia, a political subdivision of the State of Georgia, has determined that the circumstances of this matter are such that there is a necessity for exercising its powers of eminent domain pursuant to O.C.G.A. § 32-3-1 *et seq.* in the acquisition of certain interests in property for county public transportation purposes;

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 presently vested in Lenard Gay, Tina R. Gay, Patrick Pearson, Eliza Pearson, Patricia Gay and Warren E. Pope, Jr., being known as project Parcel 10, Land Lot 80 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 title to the easements, if any, for the construction of said project be acquired without delay; and

WHEREAS, the parcel of easement and other 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:

Temporary Construction Easement:	0.04 acres of land more or less
Appendix A – Annex I –	Legal Description
Annex II –	Plat
Owners:	Warren E. Pope, Jr.; Tina R. Gay a/k/a Tina R. Holliman; All heirs known and unknown of Linda L. Gay; All heirs

known and unknown of Lenard Gay, Jr.; LaShawn Gay; All known and unknown heirs of Patrick Pearson; Sherrie J. Pearson; All known and unknown heirs of Eliza Pearson; Patricia Gay; 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, IT IS HEREBY RESOLVED AND ORDERED that 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 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.

IT IS FURTHER 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 or the Presiding Officer is authorized to execute this Resolution and Order, any documents and/or pleadings required for the filing under

the aforementioned Code a Declaration of Taking and any other documents necessary to effectuate the same.

This \_\_\_ day of \_\_\_\_\_ 2026

DEKALB COUNTY BOARD OF COMMISSIONERS

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Chakira Johnson  
Presiding Officer  
Board of Commissioners DeKalb County, Georgia

Approved by the Chief Executive Officer of DeKalb County this \_\_\_\_\_ day of \_\_\_\_\_ 2026.

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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: Constitution Road Freight Corridor Improvements Project  
COUNTY: DeKalb County  
PROPERTY TAX ID NO.: 15 080 02 058  
PARCEL NO.: 10  
DATE OF R/W/ PLANS: August 2, 2023  
LAST REVISED PLANS: Drawing No. 60-0005 on August 2, 2023 and Drawing No. 60-0013 on August 2, 2023  
REQUIRED R/W: Certain easement rights  
PROPERTY OWNERS: Warren E. Pope, Jr.; Tina R. Gay a/k/a Tina R. Holliman; All heirs known and unknown of Linda L. Gay; All heirs known and unknown of Lenard Gay, Jr.; LaShawn Gay; All known and unknown heirs of Patrick Pearson; Sherrie J. Pearson; All known and unknown heirs of Eliza Pearson; Patricia Gay; 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

All that tract or parcel of land lying and being in Land Lot 80 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:

**Temporary Construction Easement (1732.34 S.F. or 0.04 acres)**

Commencing at the Centerline of project Metro South Community Improvement Constitution Road Freight Corridor Improvements DeKalb County Fayetteville Road Northeasterly STA. 500+50 having a coordinate value X-2241669.9303, Y-1341245.4187

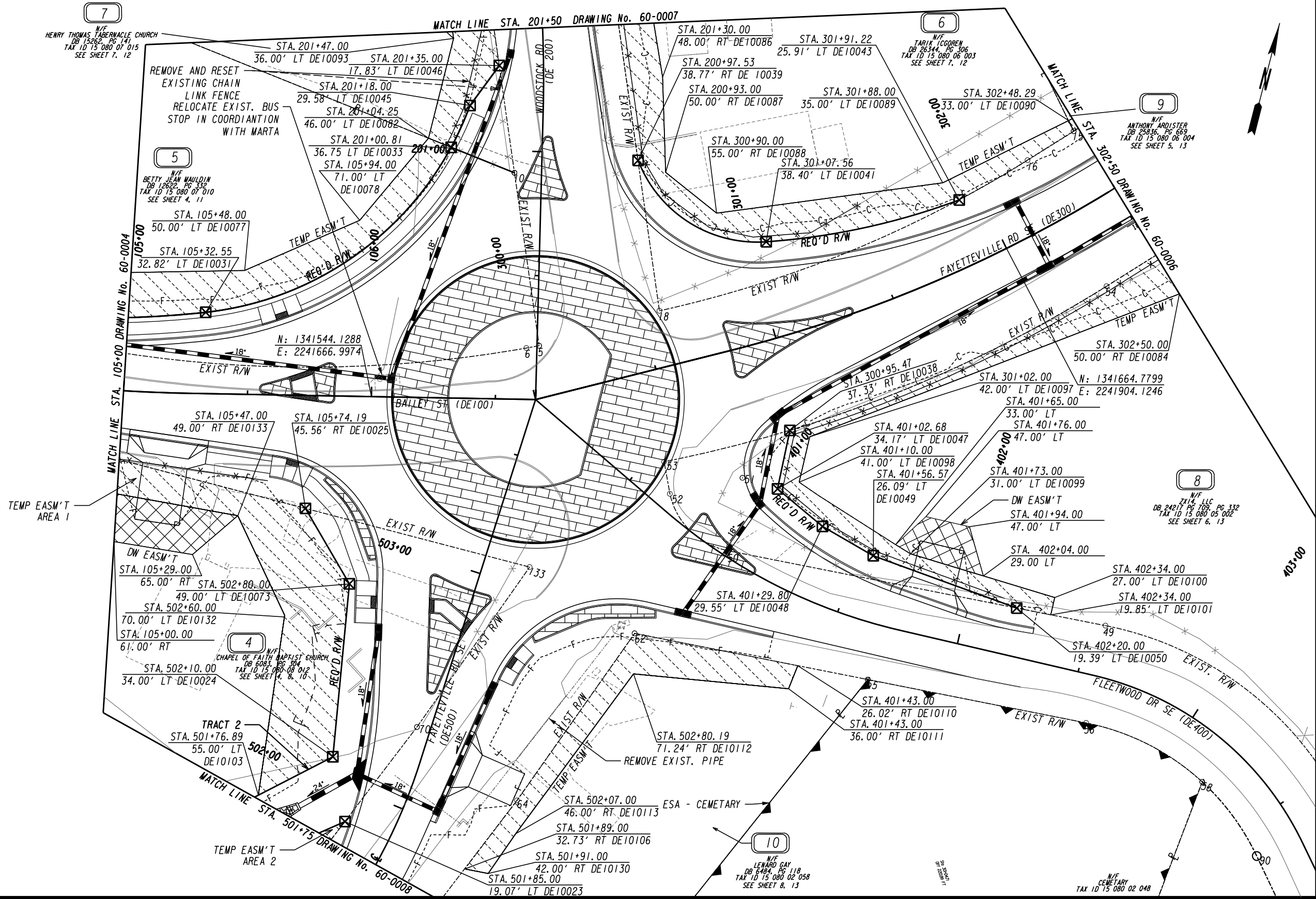
Thence N19° 48'11.09" E, distance 149.61 feet to a point. Thence S60°23'13.60" E, distance 34.79 feet to a point being the point of beginning. Thence N21° 25'15.60" E, distance 117.12 feet along the existing Right of Way to a point; Thence S86° 49'29.90" E, distance 66.99 feet along the existing Right of Way to a point; Thence S07°15'12.80" W, distance 9.98 feet to a point; Thence S81° 04'20.60" W, distance 62.80 feet to a point; Thence S21'41'25.20" W, distance 99.62 feet to a point; Thence S86° 48' 16.50" W, distance 9.56 feet to the said point of beginning.

Consisting of 1,732.34 square feet more or less, or 0.04 acres more or less.

The title, estate or interest in the above-described lands, required by condemnor and now taken by condemnor for public use as follows: A temporary easement for construction as shown and described within on the plats marked Annex II of Appendix A dated August 2, 2023 on Drawing Nos. 60-0005 and 60-0013, last revised on August 2, 2023. Said temporary construction easement shall expire one year from the date of filing.

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

**Plat**



PROPERTY AND EXISTING R/W LINE	-----e-----
REQUIRED R/W LINE	-----
CONSTRUCTION LIMITS	-----C-----
EASEMENT FOR CONSTR & MAINTENANCE OF SLOPES	-----F-----
EASEMENT FOR CONSTR OF SLOPES	-----
EASEMENT FOR CONSTR OF DRIVES	-----

BEGIN LIMIT OF ACCESS.....BLA	-----
END LIMIT OF ACCESS.....ELA	-----
EXISTING LIMIT OF ACCESS	-----
REQ'D LIMIT OF ACCESS	-----
EXISTING LIMIT OF ACCESS & R/W	-----
REQ'D LIMIT OF ACCESS & R/W	-----
ORANGE BARRIER FENCE	-----
ESA - ENV. SENSITIVE AREA	-----

DATE	REVISIONS	DATE	REVISIONS

DATE	REVISIONS

DEKALB COUNTY  
TRANSPORTATION DIVISION  
**RIGHT OF WAY MAP**

PROJECT NO:  
COUNTY: DEKALB & FULTON  
LAND LOT NO: 080  
LAND DISTRICT: 15  
GMD: 1349  
DATE: 08/02/23 SH 5 OF 13

DRAWING No.  
**60-0005**

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**PARCEL 8** REQ'D R/W DE10801 SEE SHEET 5, 6  
 .....  
 PNT OFFSET/ STATION/ ALIGNMENT  
 DIST BEARING  
 -----  
 53 14.75 L 400+55.75 Fleetwood Drive SE  
 ARC LENGTH = 52.24  
 CHORD BEAR = N 61°34'13.8" E  
 LNTH CHORD = 52.22  
 RADIUS = 530.00  
 DEGREE = 10°48'37.9"  
 DE10038 37.33 R 300+95.47 Fayetteville Road SE (East)  
 24.10 S 2°27'28.3" E  
 DE10047 34.17 L 401+02.68 Fleetwood Drive SE  
 23.63 S 64°30'19.8" E  
 DE10048 29.55 L 401+29.80 Fleetwood Drive SE  
 23.63 S 74°24'35.5" E  
 DE10049 26.09 L 401+56.57 Fleetwood Drive SE  
 61.58 S 84°20'52.4" E  
 DE10050 19.39 L 402+20.00 Fleetwood Drive SE  
 118.63 S 86°49'29.9" W  
 50 2.39 L 400+99.08 Fleetwood Drive SE  
 ARC LENGTH = 34.74  
 CHORD BEAR = N 60°00'14.5" W  
 LNTH CHORD = 32.83  
 RADIUS = 30.00  
 DEGREE = 190°59'09.4"  
 52 50.15 R 300+43.27 Fayetteville Road SE (East)  
 13.15 N 24°29'05.0" W  
 53 14.75 L 400+55.75 Fleetwood Drive SE  
 REQD R/W = 2720.09 SF  
 REQD R/W = 0.06 ACRES  
 REMAINDER = +/- 1.1 ACRES

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**PARCEL 8** REQ'D TEMP. EASM'T. DE30801 SEE SHEET 5, 6  
 .....  
 PNT OFFSET/ STATION/ ALIGNMENT  
 DE10038 37.33 R 300+95.47 Fayetteville Road SE (East)  
 ARC LENGTH = 140.81  
 CHORD BEAR = N 51°08'08.3" E  
 LNTH CHORD = 140.40  
 RADIUS = 530.00  
 DEGREE = 10°48'37.9"  
 54 32.45 R 302+27.73 Fayetteville Road SE (East)  
 DE10063 31.05 R 303+14.49 Fayetteville Road SE (East)  
 DE10064 66.00 R 304+43.37 Fayetteville Road SE (East)  
 DE10026 71.00 R 304+37.93 Fayetteville Road SE (East)  
 DE10053 38.00 R 303+03.00 Fayetteville Road SE (East)  
 DE10084 50.00 R 302+50.00 Fayetteville Road SE (East)  
 DE10097 42.00 R 301+02.00 Fayetteville Road SE (East)  
 DE10098 41.00 L 401+10.00 Fleetwood Drive SE  
 DE10099 31.00 L 401+73.00 Fleetwood Drive SE  
 DE10100 27.00 L 402+34.00 Fleetwood Drive SE  
 DE10101 19.85 L 402+34.00 Fleetwood Drive SE  
 DE10050 19.39 L 402+20.00 Fleetwood Drive SE  
 DE10049 26.09 L 401+56.57 Fleetwood Drive SE  
 DE10048 29.55 L 401+29.80 Fleetwood Drive SE  
 DE10047 34.17 L 401+02.68 Fleetwood Drive SE  
 DE10038 37.33 R 300+95.47 Fayetteville Road SE (East)  
 REQD EASMT = 4143.95 SF  
 REQD EASMT = 0.10 ACRES

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**PARCEL 9** REQ'D TEMP. EASM'T. DE30901 SEE SHEET 5, 6  
 .....  
 PNT OFFSET/ STATION/ ALIGNMENT  
 15 28.17 L 302+47.85 Fayetteville Road SE (East)  
 DE10090 33.00 L 302+48.29 Fayetteville Road SE (East)  
 DE10105 28.67 L 302+90.00 Fayetteville Road SE (East)  
 15 28.17 L 302+47.85 Fayetteville Road SE (East)  
 REQD TEMP EASMT = 101.71 SF  
 REQD TEMP EASMT = 0.01 AC

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**PARCEL 10** REQ'D TEMP. EASM'T. DE31001 SEE SHEET 5, 8  
 .....  
 PNT OFFSET/ STATION/ ALIGNMENT  
 DE10106 32.73 R 501+89.00 Fayetteville Road SE (West)  
 64 42.00 R 502+17.73 Fayetteville Road SE (West)  
 62 66.75 R 502+95.90 Fayetteville Road SE (West)  
 DE10110 26.02 R 401+43.00 Fleetwood Drive SE  
 DE10111 36.00 R 401+43.00 Fleetwood Drive SE  
 DE10112 71.24 R 502+80.19 Fayetteville Road SE (West)  
 DE10113 46.00 R 502+07.00 Fayetteville Road SE (West)  
 DE10130 42.00 R 501+91.00 Fayetteville Road SE (West)  
 DE10106 32.73 R 501+89.00 Fayetteville Road SE (West)  
 REQD TEMP EASMT = 1732.34 SF  
 REQD TEMP EASMT = 0.04 AC

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**PARCEL 8** REQ'D DRWY. EASM'T. SEE SHEET 5, 6  
 .....  
 REQ'D DRIVEWAY EASEM'T = 1

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**PARCEL 8** REQ'D PERM EASM'T DE20801 SEE SHEET 5, 6  
 .....  
 PNT OFFSET/ STATION/ ALIGNMENT  
 DIST BEARING  
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 DE10063 31.05 R 303+14.49 Fayetteville Road SE (East)  
 169.11 N 43°31'27.4" E  
 30 29.06 R 304+83.59 Fayetteville Road SE (East)  
 54.61 S 1°37'36.0" W  
 DE10064 66.00 R 304+43.37 Fayetteville Road SE (East)  
 133.54 S 59°22'18.7" W  
 DE10063 31.05 R 303+14.49 Fayetteville Road SE (East)  
 REQD EASMT = 3083.47 SF  
 REQD EASMT = 0.07 ACRES

DATE	REVISIONS	DATE	REVISIONS

DEKALB COUNTY  
TRANSPORTATION DIVISION  
**RIGHT OF WAY TABLES**

PROJECT NO:  
 COUNTY: DEKALB & FULTON  
 LAND LOT NO: 080  
 LAND DISTRICT: 15  
 GMD: 1349  
 DATE: 08/02/23 SH 13 OF 13

DRAWING No.  
**60-0013**