

<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>	)	

The Petition for Condemnation *In Rem* of the DeKalb County, Georgia (“Condemnor”), a political subdivision of the State of Georgia, shows:

1

acquire the same on **December 19, 2023**; a true and correct copy of such Resolution is attached to the Declaration of Taking as Appendix “A” to Exhibit “A”.

2. Condemnor is a political subdivision of the State of Georgia and is authorized under the laws of this State to construct, maintain and improve public roadways and roadway systems within said County. It, further, has the authority to exercise the power of eminent domain for any public purpose. Ga. Const., Art. IX, § II, ¶ V. Condemnor has, by and through its Chief Executive Officer and Board of Commissioners, determined the necessity of acquiring, by the use of the Declaration of Taking method of condemnation, certain property interests for the construction and maintenance of its public roadways and streets as set forth in Appendix “A” to the Declaration of Taking attached hereto as Exhibit “A.”

3. Condemnor stands ready to pay just and adequate compensation for said certain easement rights as described in the Declaration of Taking attached hereto as Exhibit “A” and made a part hereof and has deposited in the Court, to the use of the persons entitled thereto, the estimated just compensation ascertained pursuant to O.C.G.A. § 32-3-1 *et seq.* and as set forth in the Declaration of Taking.

4. Said certain easement rights as described in said Declaration of Taking are for public road purposes upon, across and over the tract of land in DeKalb County, Georgia and are also fully described in the accompanying legal description and attached plat in Exhibit “A”.

5. The property rights sought to be condemned herein are for public and governmental purposes for and including the rights to construct and maintain a public road system, including the right of ingress and egress in order to operate, install, maintain, inspect, repair, replace and improve a public roadway, together with all fixtures and equipment necessarily incident thereto, and, if set

forth in Appendix “B” to Exhibit “A,” the right to slope the adjacent ground to tie in with the roadway elevations with any easement area.

6. The property interest(s) sought to be condemned herein and the rights therein required are located within DeKalb County, Georgia and are subject to this Court’s jurisdiction.

7. To the extent practicable, Condemnor complied with the policies and procedures set forth in O.C.G.A. § 22-1-9 as applicable to this *in rem* condemnation proceeding. Condemnor made every reasonable effort to acquire the property described herein expeditiously by negotiation. Because Condemnor could not acquire said property by negotiation, it is now necessary for Condemnor to acquire the same through the exercise of its power of eminent domain.

8. 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.

9. The said owners generally and alienors and any and all other persons known and unknown claiming any right, title, power, interest, ownership, equity, claim or demand in and to said lands and all occupants, tenants, lessees, licensees and all holders, owners and users of ways and easements in, across and over said land, are made parties defendant to this action to the end that they may come into Court and make claim to such interest or ownership or other rights they

may have in the same and to the proceeds thereof. Insofar as Condemnor has ascertained, Condemnor believes the following may have a claim, right, title or interest in the parcel of land sought to be condemned hereby:

Promise Homes Borrower I, LLC Cogency Global, Inc., Registered Agent 900 Old Roswell Lakes Parkway Suite 310 Roswell, Georgia 30076	All unknown tenants, occupants, lessees or the like at 4688 Glenwood Road, Decatur, GA 30035 4688 Glenwood Road Decatur, Georgia 30035
Hon. Bedelia C. Hargrove Judge, DeKalb County Probate Court 556 North McDonough Street 1100 Judicial Tower Decatur, Georgia 30030	Irvin J. Johnson DeKalb County Tax Commissioner 4380 Memorial Drive Suite 100 Decatur, GA 30032
Any and all others having or claiming an interest in the herein described lands, individually Address unknown	

10. All unpaid taxes against said described Property for the current year and for prior years constitute liens against said Property. The taxing authorities of said County, the State of Georgia, or any municipality within which said Property may be located may have some claim against said lands on account of unpaid state, county or city taxes.

11. Condemnor is entitled to a judgment *in rem* against the property and rights described herein, condemning the same to Condemnor's use for such compensation as may be determined to be just and adequate in accordance with the applicable provisions of law.

WHEREFORE, Condemnor prays:

(a) For an Order condemning the property rights and interests described herein and in the Declaration of Taking attached hereto as Exhibit "A" to Condemnor's use, together with the rights described herein and in the Declaration of Taking and vesting Condemnor with full, complete and

unencumbered title to such property and the rights for the purposes described therein, while preserving to those persons entitled by law to do so the right to appeal the estimated amount of just compensation, as authorized by the Official Code of Georgia;

(b) For an Order requiring all persons in possession of such property, as well as the named condemnees, to surrender said easements and access rights, if any, to Condemnor immediately upon the filing of this Petition and Declaration of Taking (Exhibit “A”) unless Condemnor, in its sole discretion, grants a written extension of time to the persons in possession of the condemned property to extend the date of possession;

(c) For an Order for the service, publication and posting of this Petition and the Declaration of Taking (Exhibit “A”);

(d) For an Order requiring the Clerk of this Court to hold the funds deposited by Condemnor subject to the orders and judgments of the Courts; and

(e) For such further orders and judgments as may be necessary in the premises.

This **2nd day of January, 2024**.

Respectfully submitted,  
GREGORY DOYLE CALHOUN & ROGERS, LLC

/s/ Nick Gaba  
J. Nicholas Gaba, Jr.  
Georgia Bar No. 264641

49 Atlanta Street  
Marietta, GA 30060  
(770) 422-1776  
(770) 426-6155 (fax)  
[ngaba@gdcrlaw.com](mailto:ngaba@gdcrlaw.com)

*Attorney for Petitioner/Condemnor DeKalb County, Georgia*

**EXHIBIT "A"**

**Declaration of Taking**

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

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

**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.

---

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.

---

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**

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

**DEKALB COUNTY, GEORGIA** )  
    **Condemnor,** )  
 )  
**v.** )  
 )  
    **Certain easement rights; and** )  
    **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; 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,** )  
    **Condemnees.** )

**Case No.:** \_\_\_\_\_

**Parcel:**     **47**  
**Project:**   **Glenwood Road**  
              **Sidewalk Project**  
              **Phase III**  
**Pay-in:**    **\$1,100.00**  
**Judge:**     \_\_\_\_\_

To:     Certain easement rights; and 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.

**CITATION**

The said named persons and any and all other persons, either known or unknown, claiming any right, title, power, interest, ownership, equity, claim or demand in and to the lands hereinafter described, and all occupants, tenants, lessees, licensees, and all holders, owners and users of ways and easements in, across, over and under said land are hereby notified, under the provisions of the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-20, and as amended, providing for the exercise of the power of eminent domain by DeKalb County, Georgia as follows:

That the above-stated case, being a condemnation *in rem* against the property hereinafter described, was filed in the DeKalb County Superior Court on the \_\_\_\_ day of \_\_\_\_\_, 2025;

That, in accordance with provisions of the aforesaid Official Code, a Declaration of Taking, duly authorized and properly executed as provided by the Official Code, has been made and filed in said case, declaring the necessity for and exercising the power of taking the said described lands for public roadway purposes, thereby vesting the title to same in DeKalb County, Georgia. Pursuant to the aforesaid authority, DeKalb County, Georgia has deposited with the Clerk of the Superior Court of DeKalb County, the sum of **ONE THOUSAND ONE HUNDRED AND NO/100ths DOLLARS (\$1,100.00)** as the just compensation for the lands described; and all persons claiming such fund or any interest therein, are hereby required to make known their claims to the Court;

In accordance with the provisions of the Official Code of Georgia Annotated, the Condemnor has prayed the Court for immediate possession of said Property, and all persons having any interest in or claim against such Property, as herein set forth, are required to surrender and deliver up to DeKalb County, Georgia, the full, peaceable, lawful and quiet possession of said premises described in the Petition and Declaration of Taking immediately upon Condemnor's filing of the Declaration of Taking and deposit of just and adequate compensation.

That in accordance with the Official Code of Georgia Annotated Sections 32-3-13 through 32-3-19, and as amended, if the owner, or any of the owners, or any person having a claim against or interest in said Property, shall be dissatisfied with the compensation, as estimated in the Declaration of Taking and deposited in Court, such person or persons, or any of them, shall have the right, at any time subsequent to the filing of the Declaration and the deposit of the funds into Court but not later than thirty (30) days following the date of service as provided for in the Official Code of Georgia Annotated Sections 32-3-8 through 32-3-10, and as amended, to file with the



Court a Notice to Appeal, the same to be in writing and made a part of the record in the proceedings.

The said Property, as thus affected, is described in Exhibit “A” attached hereto and incorporated herein by reference and as follows: the title, estate, or interest in lands, required by Condemnor and now taken by Condemnor for public use and are necessary for construction, maintenance and improvements of part of the public road system within said County is easement right to the land shown on the plat attached to the Petition and the easements as indicated upon said plat together with the right to construct, including the rights of ingress and egress in order to operate, install, maintain, inspect, repair, replace and improve a public roadway system, together with all fixtures and equipment necessarily incident thereto, and the right to slope the adjacent ground to tie in with the roadway elevations. Said easement rights in land are for a public roadway forming a part of the public roadway system within DeKalb County commonly known as Glenwood Road Sidewalk Project – Phase III, crossing over or through certain tracts of land located in Land Lot 189 in the 15<sup>th</sup> District DeKalb County, Georgia.

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

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**CLERK, DEKALB COUNTY SUPERIOR COURT**

## **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.

**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>	)		

**ORDER AND JUDGMENT**

The Petition for Condemnation In Rem (the “Petition”) in the above stated case, with the Declaration of Taking (the “Declaration”) attached thereto, and the Certificate of the Clerk showing the filing of the Petition and Declaration and the deposit into Court of the sum of money estimated as just compensation for the property taken, as authorized by 1973 Ga. Law, P. 947, as amended, O.C.G.A. §§ 32-3-1 through 32-3-20, and 2000 G. Laws, P. 1514, § 3, O.C.G.A. § 22-3-140 (collectively, the “Act”), it is hereby **ORDERED AND ADJUDGED**:

1. The property interests described in DeKalb County, Georgia’s Petition and Declaration filed concurrently therewith, as set forth on Exhibit A attached hereto and incorporated herein by reference, being shown to be necessary for public purposes, is hereby condemned for public roadway and transportation purposes to DeKalb County, Georgia’s use, together with such rights as described in such Petition and Declaration, under authority of the laws of the State of Georgia. DeKalb County, Georgia is hereby vested with full, complete and unencumbered title to

such property and rights for the purposes described in the Petition and Declaration, but nothing herein contained is to be construed as depriving the named Condemnee(s), or any person having an interest in, title to, or claim against said property of the right to appeal the estimated amount of just compensation to a jury in this Court, or of the right to petition the Court for an interlocutory hearing and the appointment of assessors to review and determine the correctness of the amount of estimated compensation, as so deposited, or of the right to petition the Court to vacate and set aside said Declaration and this Judgment; but this Judgment shall be construed only as vesting title and the right of possession in the Condemnor, as contemplated by the Official Code of Georgia Annotated.

2. Condemnor DeKalb County, Georgia having applied to this Court for possession, not later than 30 days from the date of filing of the Declaration of Taking, of said property, and it being provided in the Official Code of Georgia Annotated, that "... the court shall have the power to fix the time, the same to be not later than 60 days from the date of filing of the declaration of taking, as provided in Code Section 32-3-6, within which and the terms upon which the parties in possession shall be required to surrender possession to the petitioner", let all persons in possession of such property, as well as named Condemnees, be served with a copy of said Petition and Declaration, and this Order, and they are hereby directed to surrender possession of the property to DeKalb County, Georgia immediately following the date of filing of the Declaration of Taking and deposit of just and adequate compensation.

3. It is further ordered that Condemnor DeKalb County, Georgia is authorized to grant a written extension of time to the persons in possession of the condemned property to extend the date of possession of the same, and this decision shall be in Condemnor DeKalb County, Georgia's sole discretion and shall be effective upon Condemnor DeKalb County, Georgia's terms and

conditions.

4. It is further ordered and directed that the Petition, together with the Declaration, be served in accordance with the provisions of the aforesaid Official Code of Georgia Annotated.

5. If the Petition shows there are nonresidents of the State of Georgia who have title to, claims against, or any interest in said property, whose names and addresses are known, counsel for Condemnor shall provide for the service of such parties by United States registered or certified mail, with return receipt requested, as provided for in O.C.G.A. § 32-3-9, and certify such service to the Court, as part of the record in this case.

6. If it becomes known to Condemnor that any owner or person having an interest in the property is a minor or under legal disabilities, then the Judge of the Probate Court of said County shall be served with a copy of the Petition and this Order; and that, upon being so served, it shall be his or her duty to appoint a guardian ad litem for any minor or person laboring under legal disabilities who may be shown by the allegations of the Petition to be a non-resident of this State; and, it shall be his further duty to appoint a guardian ad litem for any minor or person laboring under legal disabilities, who may be a resident of this State but who is shown by the Petition to not be represented by a guardian or other personal representative capable of being served; and it shall be his further duty to represent, act for and protect the rights of any unknown owners and unborn remaindermen, and that the Probate Judge be served with a copy of the Petition, Declaration, attachments and this Order.

7. That second originals of this Petition, including all Orders and proceedings in connection therewith, as well as the Declaration of Taking, be issued by the Clerk for service upon all named non-residents of this County who are Georgia residents as set forth in the Petition.

8. It is further ordered that a copy of this Petition and Declaration be served upon the

tax collecting authorities of DeKalb County, Georgia.

9. It being the purpose of this Order to make certain, so far as is possible, that all persons having title to, or interest in, or claims against the described property be given notice of the pendency of this proceeding, it is further ordered that such additional service be made as may be called for by the allegations of the Petition, together with the provisions of the Official Code of Georgia Annotated for such service, and further, a copy of such proceedings is to be posted on the bulletin board at the courthouse by the Sheriff's Department in accordance with O.C.G.A. § 32-3-8(f) and, further that the Clerk of the Superior Court shall cause a Citation to be issued and published in the official newspaper of DeKalb County, entitled in this cause, describing the property condemned in this proceeding, reciting also the filing of the Declaration of Taking by Petitioner/Condemnor, setting forth the names of the persons known or believed to be owners, or having an interest in, or claims against said property and citing such persons, as well as all others claiming any title to or interest in said property, or in said fund on deposit with the Clerk which amount shall be set out in such citation, to appear in this Court and make known their claims; and let such citation be published in such newspaper for two (2) consecutive weeks, subsequent to the filing of the Petition and Declaration.

Let this Order be filed as part of the record in this case.

**LET THIS JUDGMENT BE FILED, INDEXED AND RECORDED IN THE  
DEED RECORDS OF THIS COUNTY,**

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

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JUDGE, DEKALB SUPERIOR COURT

Prepared and presented by:



---

J. Nicholas Gaba, Jr.

Georgia Bar No. 264641

**Gregory, Doyle, Calhoun & Rogers, LLC**

49 Atlanta Street

Marietta, GA 30060

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(770) 426-6155 (*fax*)

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*Attorneys for Condemnor DeKalb County, Georgia*

**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>	)		

**ORDER**

**IT IS HEREBY ORDERED**, that the Condemnor pays **ONE THOUSAND ONE HUNDRED AND NO/100ths DOLLARS (\$1,100.00)** into the Superior Court Clerk's Register as the estimated just compensation for the property taken in the above-styled matter.

**SO ORDERED** this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
JUDGE,  
SUPERIOR COURT OF DEKALB COUNTY

Prepared and presented by:

\_\_\_\_\_  
J. Nicholas Gaba, Jr.  
Georgia Bar No. 264641  
**Gregory, Doyle, Calhoun & Rogers, LLC**  
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Marietta, GA 30060  
(770) 422-1776  
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*Attorneys for Condemnor DeKalb County, Georgia*

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

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

**CERTIFICATE OF POSTING CONDEMNATION PROCEEDINGS AT THE  
COURTHOUSE IN THE SUPERIOR COURT OF DEKALB COUNTY**

This is to certify that the undersigned Counsel of Record for DeKalb County, Georgia, Condemnor in the above case, has this day posted a copy of the proceedings in condemnation in the above captioned case on the bulletin board at the Courthouse for the Superior Court of DeKalb County, in accordance with the Official Code of Georgia, Section 32-3-8(f), including a copy of the Petition of the Declaration of Taking, all attachments, and a copy of the Order of the Court thereon.

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

**Gregory, Doyle, Calhoun & Rogers, LLC**  
Attorneys for Condemnor

49 Atlanta Street  
Marietta, GA 30060  
770-422-1776

\_\_\_\_\_  
J. Nicholas Gaba, Jr.  
Georgia Bar No. 264641

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

**DEKALB COUNTY, GEORGIA** )  
    **Condemnor,** )  
 )  
**v.** )  
 )  
    **Certain easement rights; and** )  
    **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; 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,** )  
    **Condemnees.** )

**Case No.:** \_\_\_\_\_

**Parcel:**     **47**  
**Project:**   **Glenwood Road**  
              **Sidewalk Project**  
              **Phase III**

**Pay-in:**     **\$1,100.00**  
**Judge:**     \_\_\_\_\_

**CERTIFICATE OF THE CLERK**

DEKALB COUNTY, GEORGIA

The undersigned Clerk of the Superior Court of DeKalb County does hereby certify that the within and above-referenced attached Petition for Condemnation by DeKalb County, Georgia against Certain easement rights; and 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; 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 as described in the Petition has been filed in my office.

I do further certify that DeKalb County, Georgia has filed with said Petition for Condemnation a Declaration of Taking and has deposited with me, as such Clerk, the sum of **ONE THOUSAND ONE HUNDRED AND NO/100ths (\$1,100.00)** as estimated just and adequate compensation for the Property described as taken.

Given under my hand and the seal of this office of this \_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
(SEAL)  
CLERK, DEKALB COUNTY SUPERIOR COURT