

**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 0.002 ACRES OF FEE
SIMPLE RIGHT-OF-WAY, BEING PROJECT PARCEL 20, LAND LOT
166 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, 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 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 John Wesley Murphy and Louise Marie Favors n/k/a Louise Murphy, being known as project Parcel 20, Land Lot 166 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 fee simple title to right of way and easements, if any, for the construction of said project be acquired without delay; and

WHEREAS, the parcel of right of way 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:

Required R/W:	0.002 acres of land
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Appendix A – Annex I –	Legal Description
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Annex II –	Plat
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Owners:	All known and unknown heirs and beneficiaries of the Estate of John Wesley Murphy; All known and unknown heirs and beneficiaries of the Estate of Louise Murphy; Maryls Favors Byrd; Aundra Michelle Favors; Dexter J. Favors; Eric Favors; All known and unknown heirs and beneficiaries of the Estate of Fernanza Favors; Georgia United Credit Union; Irvin J. Johnson, DeKalb County Tax Commissioner; Honorable Bedelia C. Hargrove, DeKalb County Probate Judge; and any and all others
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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 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.

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 13th day of May, 2025.

DEKALB COUNTY BOARD OF COMMISSIONERS

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

Approved by the Chief Executive Officer of DeKalb County this 13th day of May, 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.: 15-166-08-015
PARCEL NO.: 20
DATE OF R/W/ PLANS: April 12, 2022
LAST REVISED PLANS: Drawing No. 60-0005 on August 5, 2022
REQUIRED R/W: 0.002 acres
PROPERTY OWNERS: All known and unknown heirs and beneficiaries of the Estate of John Wesley Murphy; All known and unknown heirs and beneficiaries of the Estate of Louise Murphy; Maryls Favors Byrd; Aundra Michelle Favors; Dexter J. Favors; Eric Favors; All known and unknown heirs and beneficiaries of the Estate of Fernanza Favors; Georgia United Credit Union; 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 166 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:

REQUIRED RIGHT OF WAY CONTAINING 87.92 S.F. or 0.002 acres

Beginning at point 433 being 30.00 feet right of and opposite Station 119+29.80 on the construction centerline of GLENWOOD ROAD on Dekalb County Project GLENWOOD ROAD Sidewalks Improvements - Phase III; running thence S 85°00'25.5" E a distance of 54.10 feet to point DE10092 being 33.25 feet right of and opposite station 119+83.90 on said construction centerline laid out for GLENWOOD ROAD; thence N 88°26'41.7" W a distance of 54.10 feet to point DE10093 being 33.25 feet right of and opposite station 119+29.80 on said construction centerline laid out for GLENWOOD ROAD; thence N 1°34'35.3" E a distance of 3.25 feet back to the point of beginning.

Consisting of 87.92 square feet more or less.

The title, estate or interest in the above described land, required by condemnor and now taken by condemnor for public use is as follows: Fee simple title to the above described land as described within on the attached plats dated April 12, 2022, Drawing Nos. 60-0005 last revised on August 5, 2022, and No. 60-0025.

Annex II of Appendix A of Exhibit A

Plat