

**RESOLUTION AND ORDER OF THE DEKALB COUNTY BOARD OF  
COMMISSIONERS AUTHORIZING CONDEMNATION BY DECLARATION OF  
TAKING METHOD PURSUANT TO O.C.G.A. §§ 22-3-140 and 32-3-1, ET SEQ. OF  
CERTAIN PROPERTY SITUATED IN DEKALB COUNTY, GEORGIA,  
FOR PUBLIC SANITARY SEWER COLLECTION AND TREATMENT AND  
WASTEWATER PURPOSES**

WHEREAS, DeKalb County, Georgia has determined it necessary to inspect, repair, replace, construct and maintain a certain public sanitary sewer line or line(s), as part of a capital improvement project known as Capital Improvement Project 18-016 PKG 5, and being more fully shown on a map and drawing on file in the office of the DeKalb County Watershed Management; and

WHEREAS, Section 140 of Chapter 3 of Title 22 and Section 1 of Chapter 3 of Title 32 of the Official Code of Georgia Annotated and the latter's subsequent sections authorized DeKalb County, Georgia to file a condemnation proceeding *in rem* under a method known as the Declaration of Taking to acquire certain private property interests for public sanitary sewage collection and treatment service and water and wastewater service purposes upon payment of just and adequate compensation therefore to the person(s) entitled to such payment upon the CEO and Board of Commissioner's finding that circumstances are appropriate and necessary for the use of said method;

WHEREAS, the CEO 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 sanitary sewage collection and treatment and wastewater service purposes belonging to Felipe Castellanos and being shown as project Parcel 50 for one or more reasons as set forth in the above-mentioned code sections as the same may be amended from time

to time, including 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 said inspection, maintenance, operation, repair, replacement and construction of said sanitary sewer line or lines, it is necessary that the easements for said project be acquired without delay; and

WHEREAS, the easements 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/exhibits to this Resolution and Order hereinafter enumerated, all of said annexes/exhibits, being by reference made a part of this Resolution and Order, are essential for the construction of said project:

Certain Easement Rights:	9,115 sf of permanent sewer easement 1,371 sf of temporary construction easement 470 sf of temporary construction easement 8,105 sf of temporary construction easement
--------------------------	---

Appendix 1A	Legal Description
-------------	-------------------

Appendix 1B	Plat
-------------	------

Owners:	Felipe Castellanos
---------	--------------------

NOW, THEREFORE, the CEO and Board of Commissioners of DeKalb County, Georgia finds that the circumstances are such that it is necessary that the easements, as described in the annexes/exhibits to this Resolution and Order be acquired by condemnation under the provisions of the Official Code of Georgia Annotated Sections 22-3-140 and 32-3-1 et seq. for public sanitary sewer collection and treatment and water and wastewater purposes; and

IT IS ORDERED that DeKalb County, Georgia proceed to acquire the title, estate or

interest in the lands hereinafter described in the Exhibits to this Resolution and Order by condemnation under the provisions of said Code, and that DeKalb County, Georgia's attorneys, or its assignees, are authorized and directed to file condemnation proceedings, including a Declaration of Taking, to acquire said easements, 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 Presiding Officer is authorized to execute this Resolution and Order, a Declaration of Taking and any other documents necessary to effectuate the same.

SO ORDERED by the DeKalb County Board of Commissioners this [REDACTED] day of [REDACTED], 2023.

**DEKALB COUNTY  
BOARD OF COMMISSIONERS**

---

**ROBERT PATRICK**  
Presiding Officer  
Board of Commissioners  
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, Georgia this [REDACTED] day of [REDACTED], 2023.

---

**MICHAEL L. THURMOND**  
Chief Executive Officer  
DeKalb County, Georgia

Attest:

---

**BARBARA H. SANDERS, CCC**  
Clerk to the Board of Commissioners  
and Chief Executive Officer DeKalb County, Georgia

## Appendix 1A

PROJECT NO.: 18-016 PKG 5

PARCEL NO: 52 (3739 Memorial Drive, Decatur, GA 30332) (TPID 15-218-02-010)

Property Owner: Felipe Castellanos

### **Permanent Sewer Easement**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING LAND LOTS 218 OF THE 15TH DISTRICT, DEKALB COUNTY, GEORGIA AND BEING MORE FULLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE INTERSECTION OF THE EASTERN RIGHT OF WAY OF MEMORIAL DRIVE AND THE NORTHERN RIGHT OF WAY OF BOBBY LANE; THENCE CONTINUING ALONG THE EASTERN RIGHT OF WAY OF MEMORIAL DRIVE A DISTANCE OF 568.68 FEET TO A POINT; THENCE NORTH 43°46'46" EAST, A DISTANCE OF 10.01 FEET TO THE **POINT OF BEGINNING**; THENCE NORTH 43°46'46" EAST A DISTANCE OF 18.06 FEET TO A POINT; THENCE SOUTH 89°50'45" EAST A DISTANCE OF 2.71 FEET TO A POINT; THENCE SOUTH 43°39'28" EAST A DISTANCE OF 41.07 FEET TO A POINT; THENCE NORTH 12°56'51" EAST A DISTANCE OF 30.39 FEET TO A POINT; THENCE SOUTH 89°50'45" EAST A DISTANCE OF 20.51 FEET TO A POINT; THENCE SOUTH 12°56'51" WEST A DISTANCE OF 189.17 FEET TO A POINT; THENCE SOUTH 55°58'40" EAST A DISTANCE OF 156.93 FEET TO A POINT; THENCE SOUTH 00°28'28" WEST A DISTANCE OF 59.86 FEET TO A POINT; THENCE NORTH 89°21'50" WEST A DISTANCE OF 20.00 FEET TO A POINT; THENCE NORTH 00°28'28" EAST A DISTANCE OF 49.07 FEET TO A POINT; THENCE NORTH 55°58'40" WEST A DISTANCE OF 159.92 FEET TO A POINT; THENCE NORTH 12°56'51" EAST A DISTANCE OF 56.58 FEET TO A POINT; THENCE NORTH 12°56'51" EAST A DISTANCE OF 87.43 FEET TO A POINT; THENCE NORTH 43°39'28" WEST A DISTANCE OF 55.32 FEET TO THE **POINT OF BEGINNING**;

SAID OVERALL EASEMENT AREA CONTAINING 9,115 SQUARE FEET OF NEW EASEMENT TO BE ACQUIRED

Said permanent sewer easement is being acquired for the purpose of constructing, installing, inspecting, maintaining, operating, repairing, and replacing a sanitary sewer line or lines for public sanitary sewer treatment and collection and wastewater purposes, including the right to clear and keep clear and to remove all undergrowth, trees and other obstructions, objects and structures from said property.

**Temporary Construction Easement #1**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING LAND LOTS 218 OF THE 15TH DISTRICT, DEKALB COUNTY, GEORGIA AND BEING MORE FULLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE INTERSECTION OF THE EASTERN RIGHT OF WAY OF MEMORIAL DRIVE AND THE NORTHERN RIGHT OF WAY OF BOBBY LANE; THENCE CONTINUING ALONG THE EASTERN RIGHT OF WAY OF MEMORIAL DRIVE A DISTANCE OF 568.68 FEET TO THE **POINT OF BEGINNING**; THENCE NORTH 43°46'46" EAST A DISTANCE OF 10.01 FEET TO A POINT; THENCE SOUTH 43°39'28" EAST A DISTANCE OF 55.32 FEET TO A POINT; THENCE SOUTH 12°56'51" WEST A DISTANCE OF 87.43 FEET TO A POINT; THENCE NORTH 77°03'09" WEST A DISTANCE OF 10.00 FEET TO A POINT; THENCE NORTH 12°56'51" EAST A DISTANCE OF 82.04 FEET TO A POINT; THENCE NORTH 43°39'28" WEST A DISTANCE OF 49.49 FEET TO THE **POINT OF BEGINNING**;

SAID OVERALL EASEMENT AREA CONTAINING 1,371 SQUARE FEET OF NEW EASEMENT TO BE ACQUIRED

**Temporary Construction Easement #2**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING LAND LOTS 218 OF THE 15TH DISTRICT, DEKALB COUNTY, GEORGIA AND BEING MORE FULLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE INTERSECTION OF THE EASTERN RIGHT OF WAY OF MEMORIAL DRIVE AND THE NORTHERN RIGHT OF WAY OF BOBBY LANE; THENCE CONTINUING ALONG THE EASTERN RIGHT OF WAY OF MEMORIAL DRIVE A DISTANCE OF 568.68 FEET TO A POINT; THENCE NORTH 43°46'46" EAST A DISTANCE OF 10.01 FEET TO A POINT; THENCE NORTH 43°46'46" EAST A DISTANCE OF 18.06 FEET TO A POINT; THENCE SOUTH 89°50'45" EAST A DISTANCE OF 2.71 FEET TO THE **POINT OF BEGINNING**; THENCE SOUTH 89°50'45" EAST A DISTANCE OF 13.86 FEET TO A POINT; THENCE SOUTH 43°39'28" EAST A DISTANCE OF 12.91 FEET TO A POINT; THENCE NORTH 12°56'51" EAST A DISTANCE OF 9.55 FEET TO A POINT; THENCE SOUTH 89°50'45" EAST A DISTANCE OF 10.25 FEET TO A POINT; THENCE SOUTH 12°56'51" WEST A DISTANCE OF 30.39 FEET TO A POINT; THENCE NORTH 43°39'28" WEST A DISTANCE OF 41.07 FEET TO THE **POINT OF BEGINNING**;

SAID OVERALL EASEMENT AREA CONTAINING 470 SQUARE FEET OF NEW EASEMENT TO BE ACQUIRED

### **Temporary Construction Easement #3**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING LAND LOTS 218 OF THE 15TH DISTRICT, DEKALB COUNTY, GEORGIA AND BEING MORE FULLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE INTERSECTION OF THE EASTERN RIGHT OF WAY OF MEMORIAL DRIVE AND THE NORTHERN RIGHT OF WAY OF BOBBY LANE; THENCE CONTINUING ALONG THE EASTERN RIGHT OF WAY OF MEMORIAL DRIVE A DISTANCE OF 568.68 FEET TO A POINT; THENCE NORTH 43°46'46" EAST A DISTANCE OF 10.01 FEET TO A POINT; THENCE NORTH 43°46'46" EAST A DISTANCE OF 18.06 FEET TO A POINT; THENCE SOUTH 89°50'45" EAST A DISTANCE OF 2.71 FEET TO A POINT; THENCE FOLLOWING A PROPOSED 20' SEWER EASEMENT SOUTH 43°39'28" EAST A DISTANCE OF 41.07 FEET TO A POINT; THENCE NORTH 12°56'51" EAST A DISTANCE OF 30.39 FEET TO A POINT; THENCE SOUTH 89°50'45" EAST A DISTANCE OF 20.51 FEET TO THE **POINT OF BEGINNING**; THENCE SOUTH 89°50'45" EAST A DISTANCE OF 20.51 FEET TO A POINT; THENCE SOUTH 12°56'51" WEST A DISTANCE OF 179.99 FEET TO A POINT; THENCE SOUTH 55°58'40" EAST A DISTANCE OF 153.94 FEET TO A POINT; THENCE SOUTH 00°28'28" WEST A DISTANCE OF 70.65 FEET TO A POINT; THENCE NORTH 89°21'50" WEST A DISTANCE OF 20.00 FEET TO A POINT; THENCE NORTH 00°28'28" EAST A DISTANCE OF 59.86 FEET TO A POINT; THENCE NORTH 55°58'40" WEST A DISTANCE OF 156.93 FEET TO A POINT; THENCE NORTH 12°56'51" EAST A DISTANCE OF 189.17 FEET TO THE **POINT OF BEGINNING**;

SAID OVERALL EASEMENT AREA CONTAINING 8,105 SQUARE FEET OF NEW EASEMENT TO BE ACQUIRED

Said temporary construction easements are being acquired for the purpose of constructing, installing, inspecting, maintaining, operating, repairing and replacing a sanitary sewer line or lines for public sanitary sewer treatment and collection and wastewater purposes, including the right to clear and keep clear and to remove all undergrowth, trees and other obstructions, objects and structures from said easement area. Said temporary construction easements are for a consecutive twelve (12)-month period between January 1, 2023 and December 31, 2026 and commences 30 days following certified mailing of the written notice of commencement of temporary construction easement to the property owner.

## **Appendix 1B**

# **PROPERTY DESCRIPTION**

**EXHIBIT 1**



**GENERAL NOTES**

1. THE PURPOSE OF THIS SURVEY IS TO SHOW INFORMATION PERTAINING TO THE PROPOSED UTILITY EASEMENT SHOWN. OTHER FEATURES AND IMPROVEMENTS EXIST WHICH ARE NOT SHOWN HEREON. THIS IS NOT A FULL & COMPLETE SURVEY OF THE OVERALL PROPERTY.
2. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 36,482 FEET AND AN ANGULAR ERROR OF 02 SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING LEAST SQUARES. THE EQUIPMENT USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS HEREIN WAS A TRIMBLE S6 TOTAL STATION.
3. A TRIMBLE R8 DUAL FREQUENCY RTK SYSTEM WAS USED IN THE COLLECTION OF TOPOGRAPHIC/ PLANIMETRIC DATA FOR THIS SURVEY. RELATIVE POSITIONAL TOLERANCE FOR TOPOGRAPHIC/PLANIMETRIC FEATURES IS 0.10'. RELATIVE POSITIONAL TOLERANCE WAS CALCULATED AT 95% CONFIDENCE LEVEL BASED ON 2-SIGMA STATISTICAL VALUE OF OBSERVATION RESIDUALS.
4. THE BASIS OF BEARING FOR THIS PLAT IS THE GEORGIA STATE PLANE COORDINATE SYSTEM, WEST ZONE (NAD 83). ALL DISTANCES SHOWN HEREON ARE GROUND (NOT GRID) DISTANCES.
5. THIS EXHIBIT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 179,625 FEET.
6. SURVEYORS, WITHIN THE CONTEXT OF THE PROFESSION, ARE NOT EXPERTS IN THE MATTERS OF TITLE AND EASEMENT RESEARCH, UNDERGROUND UTILITY LOCATION, WETLAND IDENTIFICATION, HISTORICAL OR CULTURAL RESOURCE IDENTIFICATION, AND OTHER SPECIALIZED TRADES. EXCEPTION IS TAKEN TO ANY SUCH MATTER WHICH MAY OR MAY NOT AFFECT THIS PROPERTY.

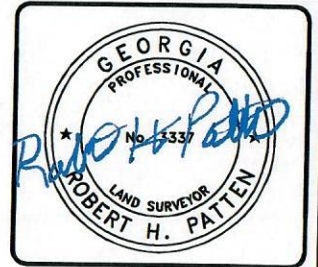
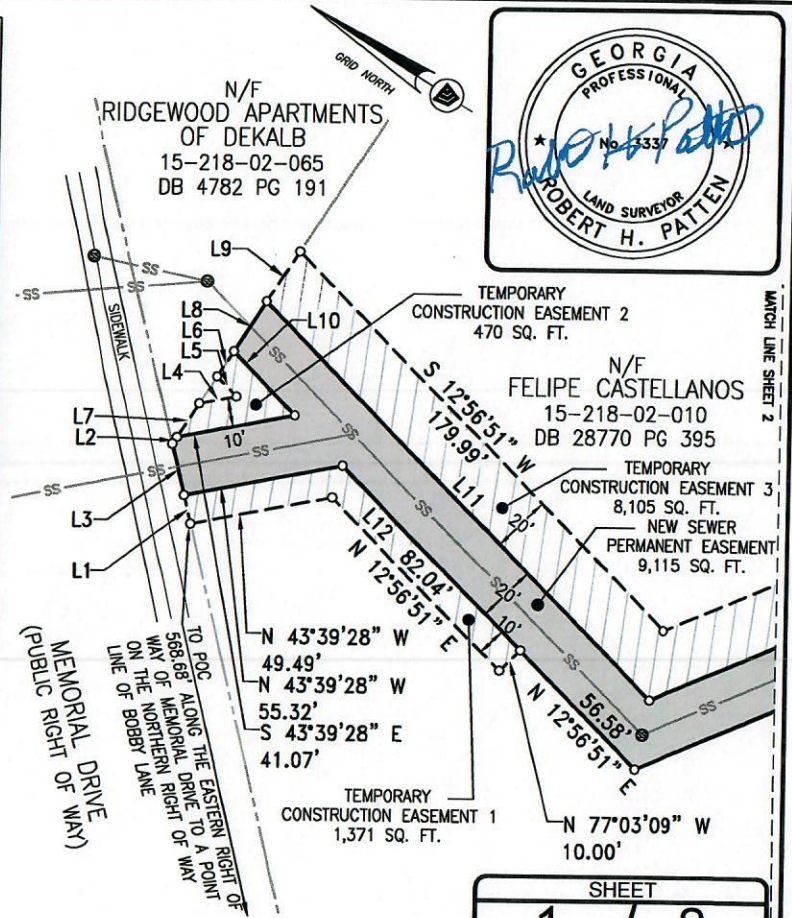


**LEGEND**

- SEWER EASEMENT
- TEMPORARY CONSTRUCTION EASEMENT
- BARB WIRE FENCE
- CHAIN LINK FENCE
- STORM WATER
- SANITARY SEWER
- PROPERTY LINE
- FIRE HYDRANT
- LIGHT POLE
- NEW SANITARY SEWER MANHOLE
- EXISTING SANITARY SEWER MANHOLE
- CONCRETE MONUMENT FOUND
- PROPERTY POINT COMPUTED
- IPF IRON PIN FOUND
- S.S.E. SANITARY SEWER EASEMENT
- DB DEED BOOK
- PB PLAT BOOK
- PG PAGE
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- NEW SEWER PERMANENT EASEMENT
- TEMPORARY CONSTRUCTION EASEMENT

THIS SURVEY HAS BEEN PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

LINE TABLE		
LINE#	BEARING	DISTANCE
L1	N 43°46'46" E	10.01'
L2	S 89°50'45" E	2.71'
L3	N 43°46'46" E	18.06'
L4	S 43°39'28" E	12.91'
L5	N 12°56'51" E	9.55'
L6	S 89°50'45" E	10.25'
L7	S 89°50'45" E	13.86'
L8	S 89°50'45" E	20.51'
L9	S 89°50'45" E	20.51'
L10	N 12°56'51" E	30.39'
L11	S 12°56'51" W	189.17'
L12	N 12°56'51" E	87.43'



**MCKIM & CREED**  
 4536 Nelson Brogdon Boulevard  
 Building E, Suite 2  
 Sugar Hill, Georgia 30518  
 Phone: (770)962-4125  
 www.mckimcreed.com  
 LSF #000689 PEF #003352

EASEMENT EXHIBIT FOR:  
**DEKALB COUNTY - PASARP 5**  
**PROPERTY OF: FELIPE CASTELLANOS**  
**PARCEL No. 15-218-02-010**  
 LAND LOTS 218, 15th DISTRICT, DEKALB COUNTY, GEORGIA

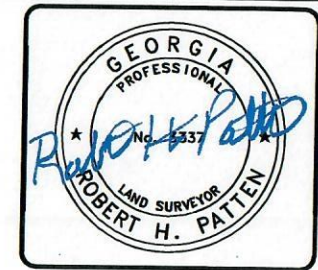
SHEET  
**1 / 2**

FIELD DATE: JUNE 9, 2020  
 PLAT DATE: NOVEMBER 20, 2020  
 FILE: 15-218-02-010.DWG  
 JOB #: 000500017  
 DRAWN: SMG  
 CHECKED: RHP

MATCH LINE SHEET 2

**GENERAL NOTES**

1. THE PURPOSE OF THIS SURVEY IS TO SHOW INFORMATION PERTAINING TO THE PROPOSED UTILITY EASEMENT SHOWN. OTHER FEATURES AND IMPROVEMENTS EXIST WHICH ARE NOT SHOWN HEREON. THIS IS NOT A FULL & COMPLETE SURVEY OF THE OVERALL PROPERTY.
2. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 36,482 FEET AND AN ANGULAR ERROR OF 02 SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING LEAST SQUARES. THE EQUIPMENT USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS HEREIN WAS A TRIMBLE S6 TOTAL STATION.
3. A TRIMBLE R8 DUAL FREQUENCY RTK SYSTEM WAS USED IN THE COLLECTION OF TOPOGRAPHIC/ PLANIMETRIC DATA FOR THIS SURVEY. RELATIVE POSITIONAL TOLERANCE FOR TOPOGRAPHIC/PLANIMETRIC FEATURES IS 0.10'. RELATIVE POSITIONAL TOLERANCE WAS CALCULATED AT 95% CONFIDENCE LEVEL BASED ON 2-SIGMA STATISTICAL VALUE OF OBSERVATION RESIDUALS.
4. THE BASIS OF BEARING FOR THIS PLAT IS THE GEORGIA STATE PLANE COORDINATE SYSTEM, WEST ZONE (NAD 83). ALL DISTANCES SHOWN HEREON ARE GROUND (NOT GRID) DISTANCES.
5. THIS EXHIBIT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 179,625 FEET.
6. SURVEYORS, WITHIN THE CONTEXT OF THE PROFESSION, ARE NOT EXPERTS IN THE MATTERS OF TITLE AND EASEMENT RESEARCH, UNDERGROUND UTILITY LOCATION, WETLAND IDENTIFICATION, HISTORICAL OR CULTURAL RESOURCE IDENTIFICATION, AND OTHER SPECIALIZED TRADES. EXCEPTION IS TAKEN TO ANY SUCH MATTER WHICH MAY OR MAY NOT AFFECT THIS PROPERTY.



N/F  
 FELIPE CASTELLANOS  
 15-218-02-010  
 DB 28770 PG 395



**LEGEND**

- SEWER EASEMENT
- TEMPORARY CONSTRUCTION EASEMENT
- BARB WIRE FENCE
- CHAIN LINK FENCE
- STORM WATER
- SANITARY SEWER
- PROPERTY LINE
- FIRE HYDRANT
- LIGHT POLE
- NEW SANITARY SEWER MANHOLE
- EXISTING SANITARY SEWER MANHOLE
- CONCRETE MONUMENT FOUND
- PROPERTY POINT COMPUTED
- IPF IRON PIN FOUND
- S.S.E. SANITARY SEWER EASEMENT
- DB DEED BOOK
- PB PLAT BOOK
- PG PAGE
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- NEW SEWER PERMANENT EASEMENT
- TEMPORARY CONSTRUCTION EASEMENT

THIS SURVEY HAS BEEN PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

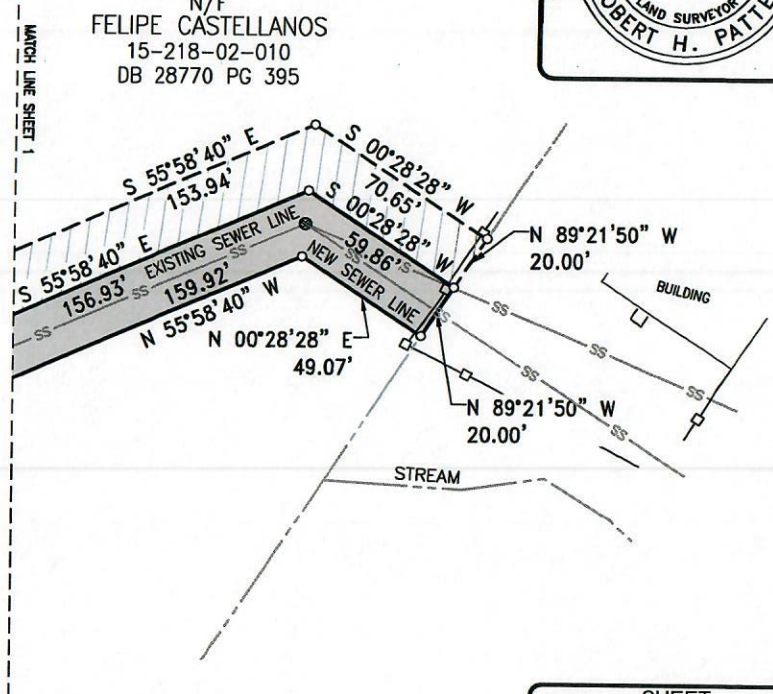


4536 Nelson Brogdon Boulevard  
 Building E, Suite 2  
 Sugar Hill, Georgia 30518  
 Phone: (770)962-4125  
 www.mckimcreed.com  
 LSF #000689 PEF #003352

EASEMENT EXHIBIT FOR:

**DEKALB COUNTY - PASARP 5**  
**PROPERTY OF: FELIPE CASTELLANOS**  
**PARCEL No. 15-218-02-010**

LAND LOTS 218, 15th DISTRICT, DEKALB COUNTY, GEORGIA



SHEET  
**2 / 2**

FIELD DATE: JUNE 9, 2020  
 PLAT DATE: NOVEMBER 20, 2020  
 FILE: 15-218-02-010.DWG  
 JOB #: 000500017  
 DRAWN: SMG  
 CHECKED: RHP

FELIPE CASTELLANOS  
15-218-02-010

NEW SEWER PERMANENT EASEMENT

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING LAND LOT 218 OF THE 15TH DISTRICT, DEKALB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE INTERSECTION OF THE EASTERN RIGHT OF WAY OF MEMORIAL DRIVE AND THE NORTHERN RIGHT OF WAY OF BOBBY LANE; THENCE CONTINUING ALONG THE EASTERN RIGHT OF WAY OF MEMORIAL DRIVE A DISTANCE OF 568.68 FEET TO A POINT; THENCE NORTH 43°46'46" EAST, A DISTANCE OF 10.01 FEET TO THE **POINT OF BEGINNING**; THENCE NORTH 43°46'46" EAST A DISTANCE OF 18.06 FEET TO A POINT; THENCE SOUTH 89°50'45" EAST A DISTANCE OF 2.71 FEET TO A POINT; THENCE SOUTH 43°39'28" EAST A DISTANCE OF 41.07 FEET TO A POINT; THENCE NORTH 12°56'51" EAST A DISTANCE OF 30.39 FEET TO A POINT; THENCE SOUTH 89°50'45" EAST A DISTANCE OF 20.51 FEET TO A POINT; THENCE SOUTH 12°56'51" WEST A DISTANCE OF 189.17 FEET TO A POINT; THENCE SOUTH 55°58'40" EAST A DISTANCE OF 156.93 FEET TO A POINT; THENCE SOUTH 00°28'28" WEST A DISTANCE OF 59.86 FEET TO A POINT; THENCE NORTH 89°21'50" WEST A DISTANCE OF 20.00 FEET TO A POINT; THENCE NORTH 00°28'28" EAST A DISTANCE OF 49.07 FEET TO A POINT; THENCE NORTH 55°58'40" WEST A DISTANCE OF 159.92 FEET TO A POINT; THENCE NORTH 12°56'51" EAST A DISTANCE OF 56.58 FEET TO A POINT; THENCE NORTH 12°56'51" EAST A DISTANCE OF 87.43 FEET TO A POINT; THENCE NORTH 43°39'28" WEST A DISTANCE OF 55.32 FEET TO THE **POINT OF BEGINNING**;

SAID TRACT OR PARCEL HAVING AN AREA OF 9,115 SQUARE FEET MORE OR LESS.

FELIPE CASTELLANOS  
15-218-02-010

TEMPORARY CONSTRUCTION EASEMENT 1

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING LAND LOT 218 OF THE 15TH DISTRICT, DEKALB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE INTERSECTION OF THE EASTERN RIGHT OF WAY OF MEMORIAL DRIVE AND THE NORTHERN RIGHT OF WAY OF BOBBY LANE; THENCE CONTINUING ALONG THE EASTERN RIGHT OF WAY OF MEMORIAL DRIVE A DISTANCE OF 568.68 FEET TO THE **POINT OF BEGINNING**; THENCE NORTH 43°46'46" EAST A DISTANCE OF 10.01 FEET TO A POINT; THENCE SOUTH 43°39'28" EAST A DISTANCE OF 55.32 FEET TO A POINT; THENCE SOUTH 12°56'51" WEST A DISTANCE OF 87.43 FEET TO A POINT; THENCE NORTH 77°03'09" WEST A DISTANCE OF 10.00 FEET TO A POINT; THENCE NORTH 12°56'51" EAST A DISTANCE OF 82.04 FEET TO A POINT; THENCE NORTH 43°39'28" WEST A DISTANCE OF 49.49 FEET TO THE **POINT OF BEGINNING**;

SAID TRACT OR PARCEL HAVING AN AREA OF 1,371 SQUARE FEET MORE OR LESS.

FELIPE CASTELLANOS  
15-218-02-010

TEMPORARY CONSTRUCTION EASEMENT 2

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING LAND LOT 218 OF THE 15TH DISTRICT, DEKALB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE INTERSECTION OF THE EASTERN RIGHT OF WAY OF MEMORIAL DRIVE AND THE NORTHERN RIGHT OF WAY OF BOBBY LANE; THENCE CONTINUING ALONG THE EASTERN RIGHT OF WAY OF MEMORIAL DRIVE A DISTANCE OF 568.68 FEET TO A POINT; THENCE NORTH 43°46'46" EAST A DISTANCE OF 10.01 FEET TO A POINT; THENCE NORTH 43°46'46" EAST A DISTANCE OF 18.06 FEET TO A POINT; THENCE SOUTH 89°50'45" EAST A DISTANCE OF 2.71 FEET TO THE **POINT OF BEGINNING**; THENCE SOUTH 89°50'45" EAST A DISTANCE OF 13.86 FEET TO A POINT; THENCE SOUTH 43°39'28" EAST A DISTANCE OF 12.91 FEET TO A POINT; THENCE NORTH 12°56'51" EAST A DISTANCE OF 9.55 FEET TO A POINT; THENCE SOUTH 89°50'45" EAST A DISTANCE OF 10.25 FEET TO A POINT; THENCE SOUTH 12°56'51" WEST A DISTANCE OF 30.39 FEET TO A POINT; THENCE NORTH 43°39'28" WEST A DISTANCE OF 41.07 FEET TO THE **POINT OF BEGINNING**;

SAID TRACT OR PARCEL HAVING AN AREA OF 470 SQUARE FEET MORE OR LESS.

FELIPE CASTELLANOS  
15-218-02-010

TEMPORARY CONSTRUCTION EASEMENT 3

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING LAND LOT 218 OF THE 15TH DISTRICT, DEKALB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE INTERSECTION OF THE EASTERN RIGHT OF WAY OF MEMORIAL DRIVE AND THE NORTHERN RIGHT OF WAY OF BOBBY LANE; THENCE CONTINUING ALONG THE EASTERN RIGHT OF WAY OF MEMORIAL DRIVE A DISTANCE OF 568.68 FEET TO A POINT; THENCE NORTH 43°46'46" EAST A DISTANCE OF 10.01 FEET TO A POINT; THENCE NORTH 43°46'46" EAST A DISTANCE OF 18.06 FEET TO A POINT; THENCE SOUTH 89°50'45" EAST A DISTANCE OF 2.71 FEET TO A POINT; THENCE FOLLOWING A PROPOSED 20' SEWER EASEMENT SOUTH 43°39'28" EAST A DISTANCE OF 41.07 FEET TO A POINT; THENCE NORTH 12°56'51" EAST A DISTANCE OF 30.39 FEET TO A POINT; THENCE SOUTH 89°50'45" EAST A DISTANCE OF 20.51 FEET TO THE **POINT OF BEGINNING**; THENCE SOUTH 89°50'45" EAST A DISTANCE OF 20.51 FEET TO A POINT; THENCE SOUTH 12°56'51" WEST A DISTANCE OF 179.99 FEET TO A POINT; THENCE SOUTH 55°58'40" EAST A DISTANCE OF 153.94 FEET TO A POINT; THENCE SOUTH 00°28'28" WEST A DISTANCE OF 70.65 FEET TO A POINT; THENCE NORTH 89°21'50" WEST A DISTANCE OF 20.00 FEET TO A POINT; THENCE NORTH 00°28'28" EAST A DISTANCE OF 59.86 FEET TO A POINT; THENCE NORTH 55°58'40" WEST A DISTANCE OF 156.93 FEET TO A POINT; THENCE NORTH 12°56'51" EAST A DISTANCE OF 189.17 FEET TO THE **POINT OF BEGINNING**;

SAID TRACT OR PARCEL HAVING AN AREA OF 8,105 SQUARE FEET MORE OR LESS.

# **APPRAISAL CERTIFICATION**

**EXHIBIT 2**

## CERTIFICATION OF APPRAISER

I Hereby Certify:

That I have personally inspected the property appraised herein and that I have also made a personal field inspection of the comparable sales relied upon in making said appraisal. The subject and the comparable sales relied upon in making said appraisal were as represented in said appraisal or in the data book or report which supplements said appraisal.

That to the best of my knowledge and belief, the statements contained in the appraisal herein set forth are true and correct, the reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions, and conclusions. That my analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice. The appraiser is currently certified under the continuing education program of the State of Georgia through the date October 31, 2022.

That I understand that such appraisal may be used in connection with the acquisition for a project to be constructed by DeKalb County.

That such appraisal has been made in conformity with the appropriate State laws, regulations, and policies and procedures applicable to appraisal of right-of-way for such purposes; and that to the best of my knowledge, no portion of the value assigned to such property consists of items, which are non-compensable under the established law of said State.

That my compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event. That I have no personal interest in or bias with respect to the parties involved and that I have no present or prospective interest in the property that is the subject of this report. I have performed no services, as an appraiser or in any other capacity, regarding the subject property within three years prior to accepting this assignment

That I have not revealed the findings and results of such appraisal to anyone other than the property officials of the acquiring agency of said State or officials of the Federal Highway Administration and I will not do so until so authorized by said officials, or until I am required to do so by due process of law, or until I am released from this obligation by having publicly testified as to such findings.

That my opinion of just compensation for the acquisition as of the 11th day of November 2021 is **\$26,200** and this is based upon my independent appraisal and the exercise of my professional judgment.



---

Signature

November 15, 2021

Cynthia K. Milner  
3888 Sovereign Dr.  
Buford, GA 30519  
770.868.9597



# **TEN DAY LETTER**

**EXHIBIT 3**

**David E. Hayes, Interim Director**



October 16, 2022

**VIA CERTIFIED MAIL RECEIPT: 7022 0410 0000 8782 3381**

Felipe Castellanos  
3739 Memorial Dr.  
Decatur, GA 30032

**RE: PROJECT: 18-016 PKG 5**  
**COUNTY: DEKALB COUNTY DEPARTMENT OF WATERSHED**  
**MANAGEMENT**  
**P.I. NUMBER: 18-016                      PARCEL: 0052**

Chief Executive Officer  
Michael Thurmond

Board of Commissioners

District 1  
Robert Patrick

District 2  
Jeff Rader

District 3  
Larry Johnson

District 4  
Stephen Bradshaw

District 5  
Mereda Davis Johnson

District 6  
Edward "Ted" Terry

District 7  
Lorraine Cochran-Johnson

Greetings:

As you know, DeKalb County, acting through Atlas Technical Consultants LLC (formerly Moreland Altobelli Associates, LLC), must acquire a portion of your property in conjunction with the construction of the above numbered project.

The property rights required have been explained by our negotiator and are shown on the plat attached to the option previously furnished you. The County seeks to acquire **9,115.00 square feet of Permanent Sewage Easement and 9,946.00 square feet of Proposed Temporary Construction Easement** from your property located at **3739 Memorial Drive, Decatur, GA 30032**. Through a process of thorough review of expert appraisals, we believe that the Fair Market Value for your property is **\$26,200.00**. Your appraised value came in at **\$26,200.00** and we will honor the original Option amount indicated above. I have attached a copy of the Appraised Summary page for your review.

We prefer to acquire the property needed for sanitary sewer easement; however, we are authorized by law to acquire property by condemnation. As litigation is costly to both the County and Landowner, it is our sincere desire that upon reconsideration of our offer, a settlement agreement can be reached, hopefully avoiding litigation. Since negotiations for the required property rights have concluded, the County provides an administrative review process as a final opportunity toward reaching an amicable settlement. Should you elect to submit an administrative review, your request must be made directly to **Jeff Joyner, Atlas Technical Consultants LLC** within ten (10) days of this letter, or by **November 1, 2022**. This appeal should be requested by mail using the attached form. It must include the lowest monetary amount acceptable to you with any supporting documentation.

Page 2

Project: PKG 7

P.I. Number: 18-016

County: DeKalb

Parcel: 0052

Upon receipt of your request for an administrative review, an authorized representative of DeKalb County will contact you to arrange a meeting for a discussion of your views and supporting documentation of the value of your property. With this being the final effort for settlement, please be prepared to furnish any supporting documentation. You are not required to be represented by an attorney; however, anyone you deem necessary may accompany you. Should this final review fail to produce an agreement, condemnation action will be initiated.

Legal proceedings will be instituted after **November 1, 2022**, if we have not received an executed option, a request for an administrative review, or some other form of satisfactory reply. We regret that such action may become necessary, but we must proceed with acquisition in order to meet the scheduled construction dates.

Yours Very Truly,



Jeff Joyner

S.E. Region Right of Way Manager

Atlas Technical Consultants LLC

cc: Chase Fuller, Atlas Technical Consultants

Date: \_\_\_\_\_

Jeff Joyner  
S.E. Region Right of Way Manager  
Atlas Technical Consultants LLC  
2450 Commerce Avenue  
Suite 100  
Duluth, GA 30096-8910

Subject: Administrative Appeal of Fair Market Value  
Project Number: 18-016  
County: DeKalb  
Parcel Number: 0052

Dear Mr. Joyner:

I am requesting that you review the offer that was presented to me by Atlas Technical Consultants LLC. After having considered the County's offer of **\$26,200.00**, I am of the opinion that the least I can settle this matter for is \$\_\_\_\_\_ in view of the following support of my estimate of value. (A settlement amount must be specified for consideration):

---

---

---

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**Phone #:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

# **INTENT TO CONDEMN LETTER**

**EXHIBIT 4**

**David E. Hayes, Director**



February 15, 2023

**Certified Mail Receipt: 7020 1810 0000 5721 0079**

Felipe Castellanos  
3739 Memorial Drive  
Decatur, GA 30032

Re: Intent to Condemn-DeKalb County, Georgia for  
Public Sanitary Sewer Collection and Treatment and  
Wastewater Purposes

Project Tract No. 18-016-052  
Property Parcel Tax ID # 15-218-02-010,  
Property Address: 3739 Memorial Drive, Decatur, GA 30032

Dear Property Owners:

Under Georgia State Laws, a County is empowered to acquire private property for public use by payment of just and adequate compensation for that property. Based on our appraisal of your property, DeKalb County is offering payment to you in the amount of **\$26,194.00**. Since negotiations have failed, it is being recommended that your property be acquired through condemnation action, which will assure you of having opportunity to present evidence of value in a condemnation proceeding and the right of appeal for a jury trial.

The DeKalb County Board of Commissioners will consider a resolution to condemn your property at its regularly scheduled meeting held on **Tuesday, February 28, 2023 at 10:00 a.m. at the Manuel J. Maloof Auditorium, 1300 Commerce Drive, Decatur, Georgia 30030**. While your presence at this meeting is not required, you may attend if you so desire. Should the Board vote to condemn your property, you will be notified.

If you receive a carbon copy of this letter, we may not be condemning your ownership interest in this property; however, we are giving all parties who have any ownership interest in this property notice of this intent to condemn. For your review, we have attached a plat and legal description showing the actual boundaries of the property being considered for condemnation so that you can determine if your ownership interest is affected.

I would like to point out that even after the initiation of condemnation proceedings, the County will work with you in an attempt to reach a mutual agreement. In the meantime, should you decide

Chief Executive Officer  
Michael Thurmond

Board of Commissioners

District 1  
Robert Patrick

District 2  
Michelle Long Spears

District 3  
Larry Johnson

District 4  
Stephen Bradshaw

District 5  
Mereda Davis Johnson

District 6  
Edward "Ted" Terry

District 7  
Lorraine Cochran-Johnson

to reconsider the County's offer or if you have any questions, please call Rasheedah Oliver at (404) 454-8559.

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions regarding this correspondence.

Sincerely,

*David Hayes*

David Hayes

Director of Watershed Management Division