

**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, pursuant to Article 9, Section 2, 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 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 Consent Decree - Gravity Sewer System Rehabilitation and Replacement Project, 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; and

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 from property shown as project Parcel 5 for PI Number 0024-03 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, 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 said installation, inspection, maintenance, operation, repair, replacement and construction of said sanitary sewer and wastewater infrastructure, 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:	1,655 sf of permanent sewer easement 2,278 sf of temporary construction easement
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Appendix A – Annex I -	Legal Description
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Appendix A – Annex II -	Plat
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Owner(s):	Phyu P. Myint; City of Tucker, Georgia; Hon. Bedelia C. Hargrove, Judge DeKalb County Probate Court; Irvin J. Johnson, DeKalb County Tax Commissioner; and any and all others having or claiming interest therein in the described lands, individually.
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NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED, 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 and the DeKalb County Attorney, or his/her designee or outside counsel, 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 for the aforesaid public purpose, 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 of \$4,600.00, said sum representing the estimated just compensation, all in accordance with the provisions of said Code, and that the Presiding Officer or the Chief Executive Officer is authorized to execute this Resolution and Order and any documents and/or pleadings required for the proper filing under the aforementioned Code including, but not limited to, a Declaration of Taking and any other documents necessary to effectuate the same.

[Signature Page Follows]

SO ORDERED by the DeKalb County Board of Commissioners this \_\_\_\_ day of March,  
2025.

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**MICHELLE LONG SPEARS**

Presiding Officer  
Board of Commissioners  
DeKalb County, Georgia

Approved by the Chief Executive Officer of DeKalb County, Georgia this \_\_ day of  
\_\_\_\_\_, 2025.

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**LORRAINE COCHRAN-JOHNSON**

Chief Executive Officer  
Board of Commissioners  
DeKalb County, Georgia

Attest:

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**BARBARA H. SANDERS, CCC**

Clerk to the Board of Commissioners  
and Chief Executive Officer DeKalb County, Georgia

**Annex I of Appendix A of Exhibit A**

**Legal Description**

PROJECT: Consent Decree - Gravity Sewer System Rehabilitation and Replacement Project  
PI NO.: 0024-03  
PARCEL NO: 5 (1558 Brockett Road) (TPID 18 167 01 075)  
INTERESTS: Certain easement rights  
DATE OF PLANS: February 16, 2024  
Property Owner(s): Phyu P. Myint; City of Tucker, Georgia; Hon. Bedelia C. Hargrove, Judge DeKalb County Probate Court; Irvin J. Johnson, DeKalb County Tax Commissioner; and any and all others having or claiming interest therein in the described lands, individually

All that tract or parcel lying in Land Lots 166 and 167 of the 18<sup>th</sup> District of DeKalb County, Georgia being more particularly described as follows:

**Permanent Sewer Easement (1,655 sf or 0.038 acres)**

COMMENCING AT NGS MONUMENT STONE MOUNTAIN RESET; THENCE N 71° 30' 09" W FOR A DISTANCE OF 27348.21 FEET TO THE **POINT OF BEGINNING (POB PE)**. THENCE S 46° 44' 42" E FOR A DISTANCE OF 20.68 FEET TO A POINT; THENCE S 18° 35' 33" W FOR A DISTANCE OF 109.15 FEET TO A POINT; THENCE N 46° 20' 39" W FOR A DISTANCE OF 12.75 FEET TO A POINT; THENCE N 14° 54' 27" E FOR A DISTANCE OF 112.60 FEET TO THE **POINT OF BEGINNING**.

Said tract or parcel of land containing 1,655 square feet or 0.038 acres more or less.

Said permanent sewer easement is being acquired for the purpose of constructing, installing, inspecting, maintaining, operating, repairing, and replacing sanitary sewer infrastructure for public sanitary sewer treatment and collection and wastewater purposes, including the right to access, ingress and egress the easement area for the aforementioned purpose and along with the right to clear, and keep clear and to remove all undergrowth, tree and other obstructions, objects and structures from, or, over and across said easement area that interfere with, injure or endanger the construction, installation, inspection, maintenance, operation, repair and replacement of the sanitary sewer and wastewater infrastructure. The owner of the land and the successors thereof may use the easement areas provided that such use is not inconsistent with the rights acquired hereby and that such uses do not interfere with, injure or endanger the construction, installation, inspection, maintenance, operation, repair and replacement of the sanitary sewer and wastewater infrastructure, which prohibitions shall include, but are not limited to, grading, adding or moving dirt on, over or across the easement area or creating conditions on the surface whereby standing water would accumulate upon, over and across the easement area without prior permission from Petitioner.

**Temporary Construction Easement #1 (234 sf or 0.005 acres)**

COMMENCING AT NGS MONUMENT STONE MOUNTAIN RESET; THENCE N 71° 40' 53" W FOR A DISTANCE OF 27364.70 FEET TO THE **POINT OF BEGINNING (POB TE1)**. THENCE S 71° 24' 27" E FOR A DISTANCE OF 11.69 FEET TO A POINT; THENCE S 14° 54' 27" W FOR A DISTANCE OF 22.13 FEET TO A POINT; THENCE N 46° 20' 39" W FOR A DISTANCE OF 14.48 FEET TO A POINT; THENCE N 18° 35' 33" E FOR A DISTANCE OF 15.95 FEET TO THE **POINT OF BEGINNING**.

Said tract or parcel containing 234 square feet or 0.005 acres more or less.

**Temporary Construction Easement #2 (2,044 sf or 0.047 acres)**

COMMENCING AT NGS MONUMENT STONE MOUNTAIN RESET; THENCE N 71° 33' 00" W FOR A DISTANCE OF 27299.47 FEET TO THE POINT OF BEGINNING (POB TE2). THENCE S 18° 35' 33" W FOR A DISTANCE OF 61.22 FEET TO A POINT; THENCE N 71° 24' 27" W FOR A DISTANCE OF 30.00 FEET TO A POINT; THENCE N 18° 35' 33" E FOR A DISTANCE OF 75.09 FEET TO A POINT; THENCE S 46° 36' 09" E FOR A DISTANCE OF 33.05 FEET TO THE POINT OF BEGINNING.

Said tract or parcel containing 2,044 square feet or 0.047 acres more or less.

Said temporary construction easements are being acquired for the purpose of constructing, installing, inspecting, maintaining, operating, repairing and replacing sanitary sewer infrastructure for public sanitary sewer treatment and collection and wastewater purposes, including the right to access, ingress and egress the easement area for the aforementioned purpose and along with the right to clear, and keep clear and to remove all undergrowth, tree and other obstructions, objects and structures from, or, over and across said easement area that interfere with, injure or endanger the construction, installation, inspection, maintenance, operation, repair and replacement of the sanitary sewer and wastewater infrastructure. The owner of the land and the successors thereof may use the easement areas provided that such use is not inconsistent with the rights acquired hereby and that such uses do not interfere with, injure or endanger the construction, installation, inspection, maintenance, operation, repair and replacement of the sanitary sewer and wastewater infrastructure, which prohibitions shall include, but are not limited to, grading, adding or moving dirt on, over or across the easement area or creating conditions on the surface whereby standing water would accumulate upon, over and across the easement area without prior permission from Petitioner. Said temporary construction easements are for a consecutive twelve (12)-month period between the date of filing the Declaration of Taking 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.

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

**Plat**



GEORGIA, DEKALB COUNTY

I, Barbara H. Sanders, do hereby certify that I am the Clerk of the DeKalb County Board of Commissioners.

I further certify that the foregoing \_\_\_ pages constitute a true and correct exact copy of a Resolution and Order of the DeKalb County Board of Commissioners 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.

Given under my hand and the Seal of the DeKalb County, Georgia Board of Commissioners, this \_\_\_\_ day of \_\_\_\_\_, 2025.

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