

**RESOLUTION AND ORDER OF THE DEKALB COUNTY BOARD OF
COMMISSIONERS AUTHORIZING CONDEMNATION BY DECLARATION OF
TAKING METHOD PURSUANT TO O.C.G.A. § 32-3-1, ET SEQ. OF
CERTAIN PROPERTY SITUATED IN DEKALB COUNTY, GEORGIA,
FOR PUBLIC TRANSPORTATION PROJECTS**

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, 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; 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 transportation purposes on portions of property now or formerly vested in Patrick Whelchel a/k/a Patrick Jones Whelchel and Lisa Whelchel a/k/a Lisa Kaminski Whelchel as J.T.W.R.O.S., as well as their successors or assigns 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 construction of said transportation project, it is necessary that the easement for said project be acquired without delay; and

WHEREAS, the easement and other rights as herein described on the property 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 said annexes/exhibits, being by reference made a part of this Resolution and Order, are essential for the construction of said project:

NOW THEREFORE, BE IT AND IT IS HEREBY RESOLVED, that the DeKalb County Attorney, or her designee, is ordered and directed to institute proceedings in rem pursuant to O.C.G.A. § 32-3-1 *et seq.* in the DeKalb County Superior Court in order to condemn that certain property and interests therein more particularly described in Exhibit "A" which is attached hereto and made a part hereof by reference as though fully set forth at this point, all to the use of DeKalb County. Said property now or formerly vested in Patrick Whelchel a/k/a Patrick Jones Whelchel and Lisa Whelchel a/k/a Lisa Kaminski Whelchel as J.T.W.R.O.S., as well as his successors or assigns. It is further resolved that payment of just and adequate compensation in the amount of One Thousand Twenty Dollars (\$1,020.00) be made to the person or persons entitled to such payment. The Chief Executive Officer or the Presiding Officer is hereby authorized to sign any documents and/or pleadings required for proper filing under the aforementioned code sections, including, but not limited to, a Declaration of Taking and Order of the Board of Commissioners. The County Attorney, or her designee, is hereby authorized to approve a settlement with the landowner with respect to the condemnation matter authorized herein.

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.

ADOPTED by the DeKalb County Board of Commissioners this ___ day of January, 2023.

DEKALB COUNTY BOARD OF COMMISSIONERS:

ROBERT PATRICK
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

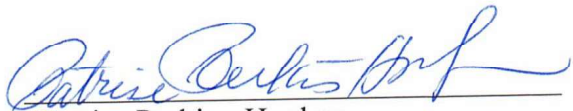
APPROVED by the Chief Executive Officer of DeKalb County this ____ day of January, 2023.

MICHAEL L. THURMOND
Chief Executive Officer
DeKalb County, Georgia

Attest:

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

APPROVED AS TO FORM:



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