

RESOLUTION

**A RESOLUTION AUTHORIZING THE EXERCISE OF THE DEKALB COUNTY
POWERS OF EMINENT DOMAIN IN THE ACQUISITION OF CERTAIN INTERESTS
IN PROPERTY SITUATED IN DEKALB COUNTY, GEORGIA,
FOR TRANSPORTATION 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, 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:

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 P8/Sealy 3370 Panthersville LLC as well as their successors or assigns. It is further resolved that payment of just and adequate compensation in the amount of Twenty-One Thousand, One Hundred dollars (\$21,100) be made to the person or persons entitled to such payment. The Chief Executive Officer or the Presiding Officer may sign any documents and/or pleadings required for proper filing under the aforementioned code sections including a Declaration of Taking and Order of the Board of Commissioners.

ADOPTED by the DeKalb County Board of Commissioners this ____ day of _____, 2018.

DEKALB COUNTY BOARD OF COMMISSIONERS:

JEFF RADER
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

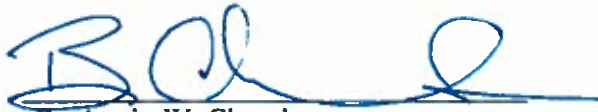
APPROVED by the Chief Executive Officer of DeKalb County this ____ day of _____, 2018.

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:



Benjamin W. Cheesbro

Ga. Bar No. 648368

CAPLAN COBB LLP

75 Fourteenth Street, NE, Suite 2750

Atlanta, Georgia 30309

Tel: (404) 596-5600

Fax: (404) 596-5604

bcheesbro@caplancobb.com

Counsel for DeKalb County, Georgia

Parcel 05

(Tax ID #15-072-01-006)

P8 Sealy 3370 Panthersville, LLC

3370 Panthersville Road

Decatur, GA 30034

EXHIBIT "A-1"

PERMANENT TRAIL EASEMENT
P8 Sealy 3370 Panthersville, LLC
Parcel 5
Tax Parcel Identification Number 15-072-01-006

All that Tract or Parcel of land lying and being in Land Lot 89 of the 15th District, DeKalb County, Georgia, and being more particularly described as follows:

BEGINNING at a point 25.00 feet left of and opposite Station 29+08.79 on the construction centerline of S. River Trail; thence N89°15'53.2"E a distance of 1.88 feet to a point 25.00 feet left of and opposite Station 29+11.40; thence N88°26'11.3"E a distance of 82.93 feet to a point 25.00 feet left of and opposite Station 29+94.32; thence southeasterly along a curve having a radius of 325.00 feet and an arc length 93.35 feet, with a chord bearing of S83°20'07.1"E and a chord length of 93.03 feet to point 25.00 feet left of and opposite Station 30+80.49; thence N14°52'55.2"E a distance of 5.00 feet to a point 30.00 feet left of and opposite Station 30+80.49; thence southeasterly along a curve having a radius of 330.00 feet and an arc length 24.33 feet, with a chord bearing of S72°59'41.3"E and a chord length of 24.33 feet to point 30.00 feet left of and opposite Station 31+02.61; thence S7052656.6"E a distance of 699.34 feet to a point 30.00 feet left of and opposite Station 38+01.94; thence southeasterly along a curve having a radius of 270.00 feet and an arc length 31.90 feet, with a chord bearing of S74°16'02.2"E and a chord length of 31.88 feet to point 30.00 feet left of and opposite Station 38+37.39; thence S77°39'07.7"E a distance of 322.61 feet to a point 30.00 feet left of and opposite Station 41+60.00; thence S12°20'52.3"W a distance of 5.00 feet to a point 25.00 feet left of and opposite Station 41+60.00; thence S77°39'07.7"E a distance of 227.24 feet to a point 25.00 feet left of and opposite Station 43+87.24; thence northeasterly along a curve having a radius of 200.00 feet and an arc length 269.76 feet, with a chord bearing of N63°42'26.6"E and a chord length of 249.77 feet to point 25.00 feet left of and opposite Station 46+90.72; thence N25°04'01.0"E a distance of 316.45 feet to a point 25.00 feet left of and opposite Station 50+07.17; thence S38°35'16.0"E a distance of 150.09 feet to a point 109.50 feet right of and opposite Station 49+40.56; thence S23°47'19.2"W a distance of 184.44 feet to a point 113.62 feet right of and opposite Station 47+56.17; thence S33°31'08.5"W a distance of 56.72 feet to a point 105.28 feet right of and opposite Station 47+00.07; thence S15°15'18.4"W a distance of 43.82 feet to a point 114.44 feet right of and opposite Station 46+68.26; thence S14°16'51.9"E a distance of 43.82 feet to a point 146.75 feet right of and opposite Station 46+49.51; thence S20°33'21.8"E a distance of 79.16 feet to a point 214.68 feet right of and opposite Station 46+26.89; thence S04°34'26.1"W a distance of 67.77 feet to a point 258.29 feet right of and opposite Station 46+01.55; thence S19°40'53.7"W a distance of 39.68 feet to a point 278.19 feet right of and opposite Station 45+85.89; thence S38°20'44.1"W a distance of 32.59 feet to a point 286.73 feet right of and opposite Station 45+71.94; thence S71°21'01.7"W a distance of 32.59 feet to a point 278.70 feet right of and opposite Station 45+57.94; thence N88°52'09.5"W a distance of 58.69 feet to a point 249.99 feet right of and opposite Station 45+34.39; thence N75°03'34.9"W a distance of 160.21 feet to a point 166.56 feet right of and opposite Station 44+62.72; thence N82°09'41.1"W a

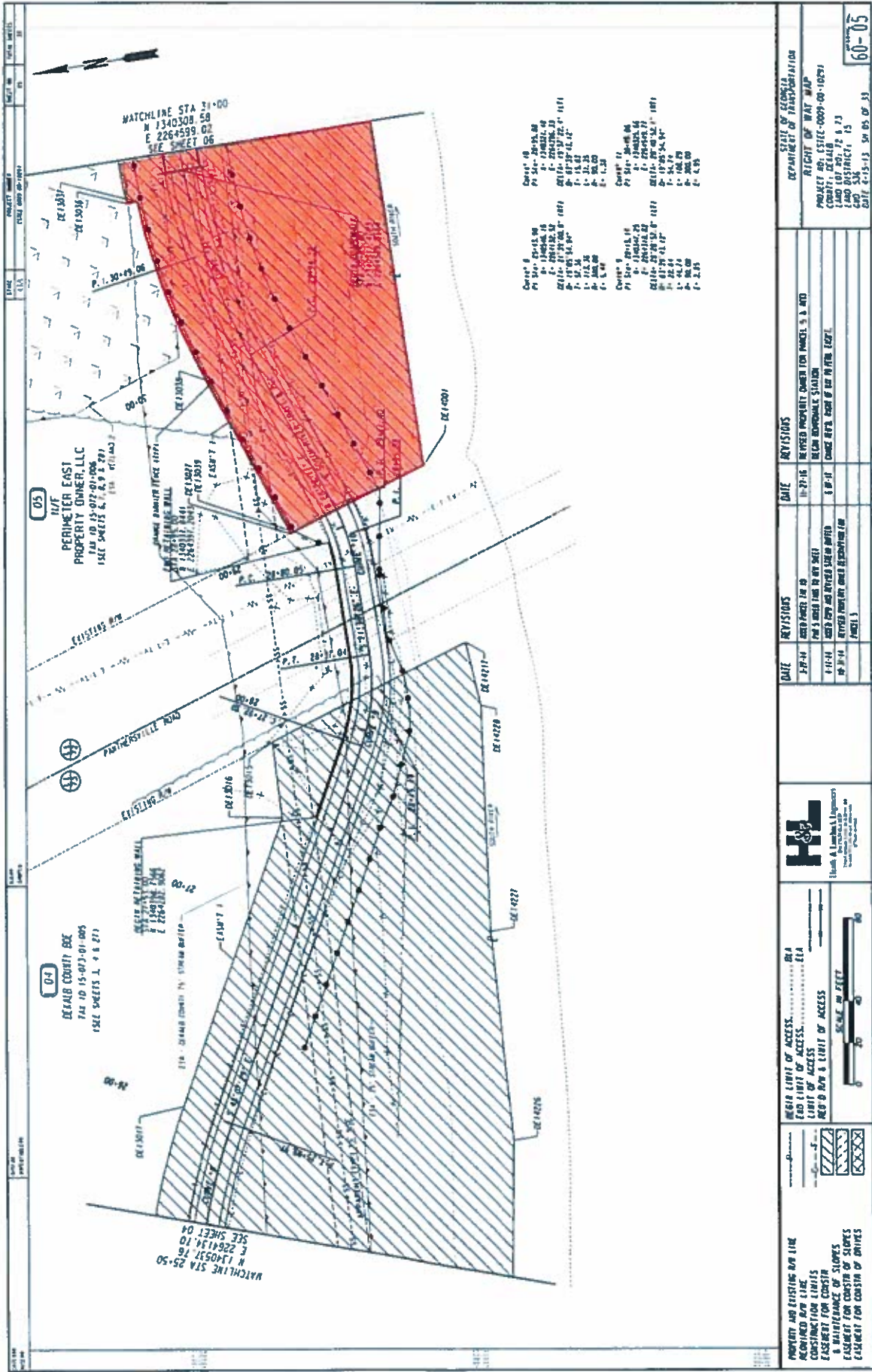
EXHIBIT "A-2"

PERMANENT TRAIL EASEMENT
P8 Sealy 3370 Panthersville, LLC
Parcel 5
Tax Parcel Identification Number 15-072-01-006

distance of 115.34 feet to a point 154.06 feet right of and opposite Station 43+95.51; thence N67°18'13.1"W a distance of 144.56 feet to a point 127.83 feet right of and opposite Station 42+58.96; thence N67°49'21.7"W a distance of 141.35 feet to a point 103.70 feet right of and opposite Station 41+19.69; thence N72°24'02.7"W a distance of 984.06 feet to a point 93.6925.00 feet right of and opposite Station 31+46.15; thence N71°09'36.6"W a distance of 214.32 feet to a point 47.71 feet right of and opposite Station 29+08.55; thence N00°23'05.6"E a distance of 72.71 back to the **POINT OF BEGINNING**, containing 311,705.82 square feet (7.156 acres) more or less.

Said described land being a permanent easement for the construction and maintenance of slopes and shown in orange on the attached Right of Way Maps, marked Exhibit "B-1", Exhibit "B-2", Exhibit "B-3", Exhibit "B-4", Exhibit "B-5", and Exhibit "B-6", prepared by Heath & Lineback Engineers Incorporated dated April 15, 2013 and revised June 7, 2017 is made a part hereof by reference.

EXHIBIT "B-1"



Corner #	Corner 8	Corner 9	Corner 10
P1 1340308.00 P2 2264599.02 DE 1340308.00 DE 2264599.02 P1 1340308.00 P2 2264599.02 DE 1340308.00 DE 2264599.02	P1 1340308.00 P2 2264599.02 DE 1340308.00 DE 2264599.02 P1 1340308.00 P2 2264599.02 DE 1340308.00 DE 2264599.02	P1 1340308.00 P2 2264599.02 DE 1340308.00 DE 2264599.02 P1 1340308.00 P2 2264599.02 DE 1340308.00 DE 2264599.02	P1 1340308.00 P2 2264599.02 DE 1340308.00 DE 2264599.02 P1 1340308.00 P2 2264599.02 DE 1340308.00 DE 2264599.02

PROPERTY AND EXISTING OR LINE
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 EASEMENT FOR CONSTR
 & MAINTENANCE OF SLOPES
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LEGEND

- 5' LIGHT OF ACCESS
- 10' LIGHT OF ACCESS
- 20' LIGHT OF ACCESS
- 30' LIGHT OF ACCESS
- 40' LIGHT OF ACCESS
- 50' LIGHT OF ACCESS
- 60' LIGHT OF ACCESS
- 70' LIGHT OF ACCESS
- 80' LIGHT OF ACCESS
- 90' LIGHT OF ACCESS
- 100' LIGHT OF ACCESS

REVISIONS

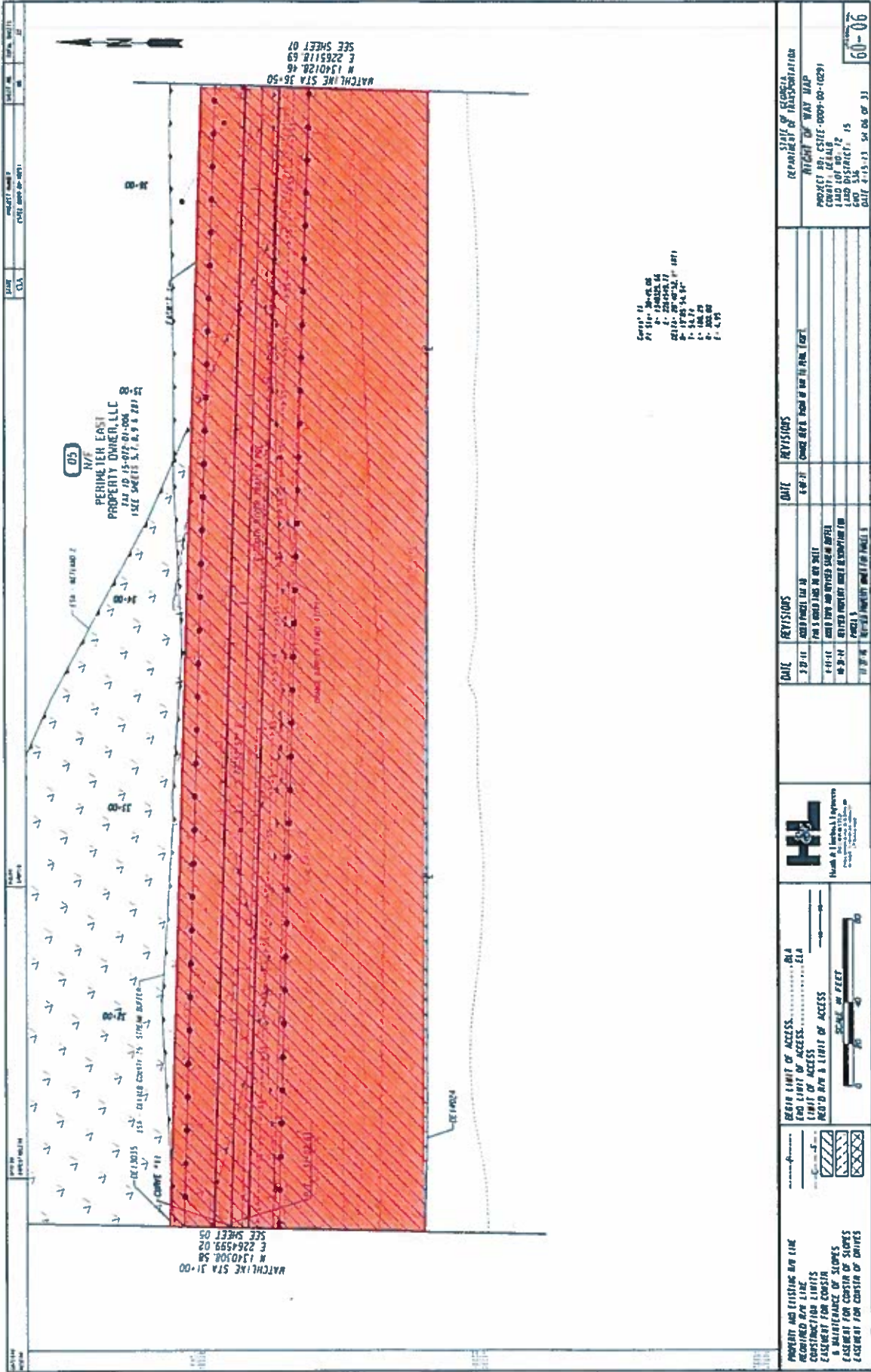
DATE	REVISIONS
05-11-16	REVISED PROPERTY OWNER FOR PARCELS 3 & 4 AND RECALL DIMENSIONAL STATION
05-11-16	REVISED PROPERTY OWNER FOR PARCELS 3 & 4 AND RECALL DIMENSIONAL STATION
05-11-16	REVISED PROPERTY OWNER FOR PARCELS 3 & 4 AND RECALL DIMENSIONAL STATION
05-11-16	REVISED PROPERTY OWNER FOR PARCELS 3 & 4 AND RECALL DIMENSIONAL STATION

STATE OF GEORGIA
 DEPARTMENT OF TRANSPORTATION
 RIGHT OF WAY MAP
 PROJECT NO: GSETEC-0009-00-100291
 COUNTY: DEKALB
 LAND LOT NO: 7 & 8 7 J
 CORNER 8 & 9
 DATE: 4-15-13 SW 05 OF 33

SCALE: IN FEET

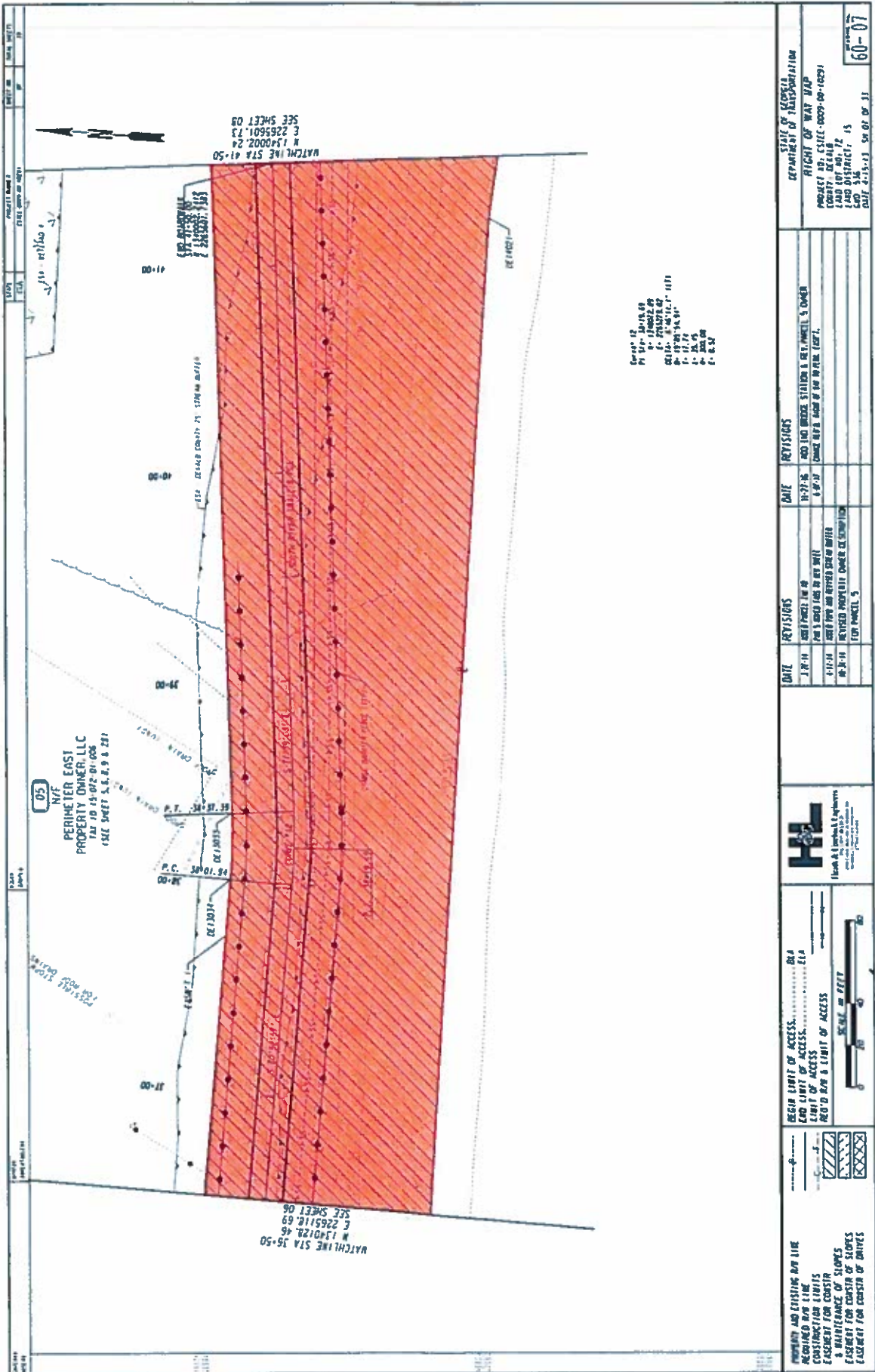
Haskins & Lambert Engineers, Inc.
 1000 Peachtree Street, N.E.
 Atlanta, Georgia 30309
 Phone: (404) 525-8800
 Fax: (404) 525-8801
 Email: info@haskins.com

EXHIBIT "B-2"



PROPERTY AND EXISTING ROW LINE UNCONFINED ROW LINE CONSTRUCTION LIMITS EASEMENT FOR CONFINEMENT EASEMENT FOR CONFINEMENT OF SLOPES EASEMENT FOR CONFINEMENT OF DRAINAGE		BEGIN LIMIT OF ACCESS END LIMIT OF ACCESS LIMIT OF ACCESS ROW TO ROW LIMIT OF ACCESS SCALE IN FEET	<p> North Arrow North Arrow North Arrow North Arrow </p>	DATE REVISIONS 05-11-11 ADDED PARCEL 1A TO 06-20-11 PAR 3 CORRECTION IN SET SHEET 08-11-11 CORRECTED TYPING AND ADDED PARCEL 1B 08-20-11 REVISED PARCEL 1B AND ADDED PARCEL 1C 11-17-11 REVISED PARCEL 1B AND ADDED PARCEL 1D	DATE REVISIONS 05-11-11 ADDED PARCEL 1A TO 06-20-11 PAR 3 CORRECTION IN SET SHEET 08-11-11 CORRECTED TYPING AND ADDED PARCEL 1B 08-20-11 REVISED PARCEL 1B AND ADDED PARCEL 1C 11-17-11 REVISED PARCEL 1B AND ADDED PARCEL 1D	STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAY DESIGN PROJECT NO. CS11C-0000-00-10291 COUNTY, GEORGIA ROAD DISTRICT, 15 DATE 4-13-11 54 08 OF 33
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EXHIBIT "B-3"



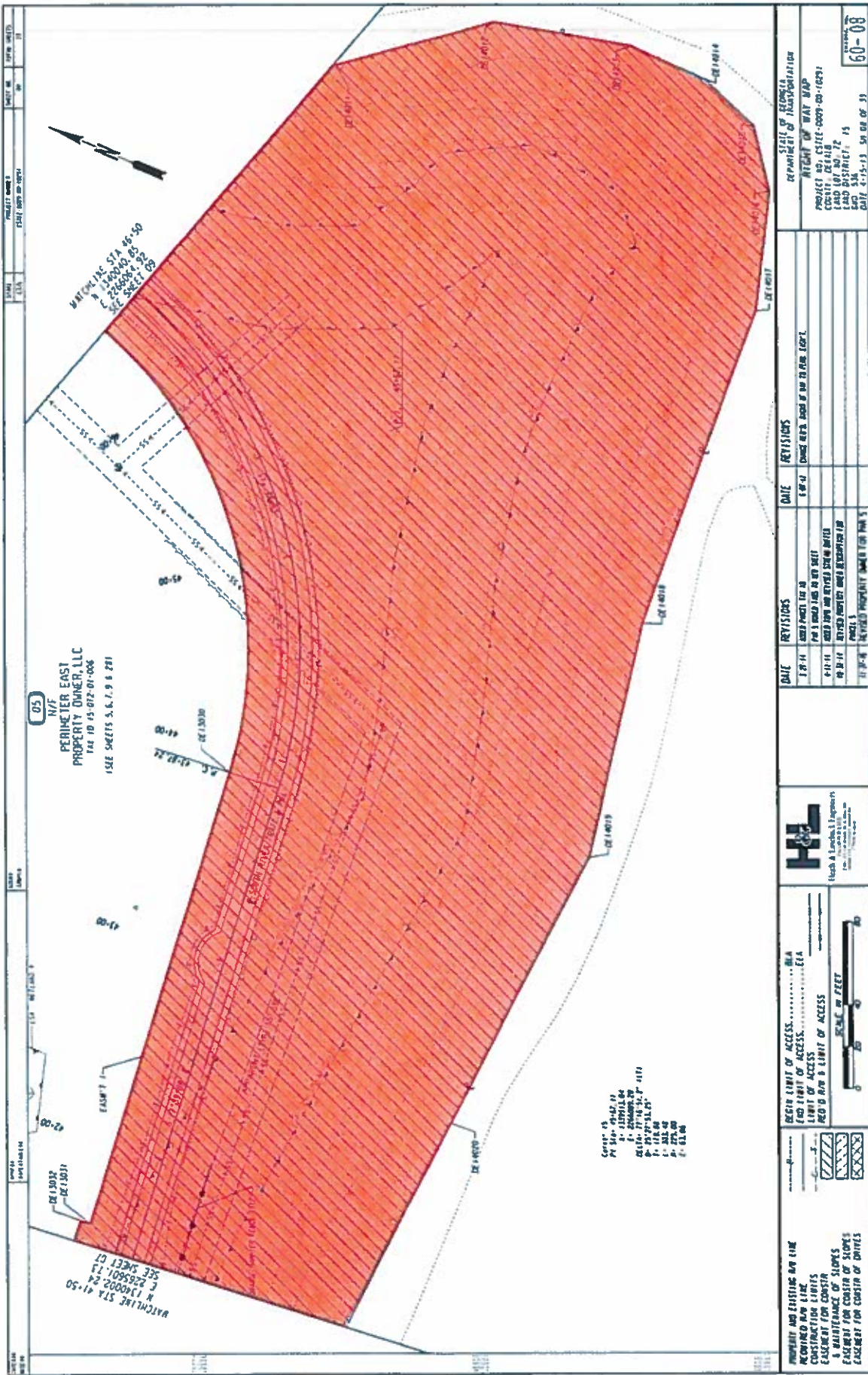
WATERLINE STA 41-50
 N 134°00'22.24
 E 2265601.73
 SEE SHEET 09

PERIMETER EAST
 PROPERTY OWNER, LLC
 TAX ID 15-072-01-006
 (SEE SHEET S.A. 8.9 & 281)

BY: J. L. JONES, PE
 DATE: 01-11-11
 PROJECT NO. 60-07
 COUNTY: DEKALB
 ROAD NO. 148
 ROAD DISTRICT: 15
 DATE: 01-11-11 SHEET OF 31

REVISIONS DATE: 11-27-10 BY: J. L. JONES, PE REVISION: 1. ADD THE BRIDGE STATION & DETAIL S. OWNER 2. CHECK R/W & ROAD OF THE PROJECT.	REVISIONS DATE: 01-11-11 BY: J. L. JONES, PE REVISION: 1. REVISED PROPERTY OWNER OF SECTION FOR PARCEL 5	REVISIONS DATE: 01-11-11 BY: J. L. JONES, PE REVISION: 1. REVISED PROPERTY OWNER OF SECTION FOR PARCEL 5	STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP PROJECT NO. 60-07 COUNTY: DEKALB ROAD NO. 148 ROAD DISTRICT: 15 SHEET 31 OF 31			
				REVISIONS DATE: 01-11-11 BY: J. L. JONES, PE REVISION: 1. REVISED PROPERTY OWNER OF SECTION FOR PARCEL 5	REVISIONS DATE: 01-11-11 BY: J. L. JONES, PE REVISION: 1. REVISED PROPERTY OWNER OF SECTION FOR PARCEL 5	REVISIONS DATE: 01-11-11 BY: J. L. JONES, PE REVISION: 1. REVISED PROPERTY OWNER OF SECTION FOR PARCEL 5
				REVISIONS DATE: 01-11-11 BY: J. L. JONES, PE REVISION: 1. REVISED PROPERTY OWNER OF SECTION FOR PARCEL 5	REVISIONS DATE: 01-11-11 BY: J. L. JONES, PE REVISION: 1. REVISED PROPERTY OWNER OF SECTION FOR PARCEL 5	REVISIONS DATE: 01-11-11 BY: J. L. JONES, PE REVISION: 1. REVISED PROPERTY OWNER OF SECTION FOR PARCEL 5
				REVISIONS DATE: 01-11-11 BY: J. L. JONES, PE REVISION: 1. REVISED PROPERTY OWNER OF SECTION FOR PARCEL 5	REVISIONS DATE: 01-11-11 BY: J. L. JONES, PE REVISION: 1. REVISED PROPERTY OWNER OF SECTION FOR PARCEL 5	REVISIONS DATE: 01-11-11 BY: J. L. JONES, PE REVISION: 1. REVISED PROPERTY OWNER OF SECTION FOR PARCEL 5

EXHIBIT "B-4"



05
 N/E
 PERMETER EAST
 PROPERTY OWNER, LLC
 TAX ID 45-072-01-006
 SEE SHEETS S. 6, 7, 8 & 201

WATCHLINE STA 85.50
 N 1340002.24
 E 2256801.73
 SEE SHEET C7

WATCHLINE STA 41.50
 N 1340002.24
 E 2256801.73
 SEE SHEET C7

COUNTY 18
 54 146 0042 11
 1 118911104
 2 2744000.50
 3 1200000.00
 4 19127133.21
 5 118.00
 6 225.00
 7 83.00

DATE	REVISIONS	DATE	REVISIONS	STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION
11-14-11	ISSUED PERMIT FOR JOB	11-14-11	ISSUED PERMIT FOR JOB	ATTACHEE OF ROAD MAP
01-11-11	PERMITS FOR ROAD MAP	01-11-11	PERMITS FOR ROAD MAP	PROJECT NO. CS11E-0800-00-0001
01-11-11	PERMITS FOR ROAD MAP	01-11-11	PERMITS FOR ROAD MAP	COUNTY, DISTRICT
01-11-11	PERMITS FOR ROAD MAP	01-11-11	PERMITS FOR ROAD MAP	LAND ACQ. NO. 72
01-11-11	PERMITS FOR ROAD MAP	01-11-11	PERMITS FOR ROAD MAP	LAND ACQ. DISTRICT 15
01-11-11	PERMITS FOR ROAD MAP	01-11-11	PERMITS FOR ROAD MAP	DATE 4-15-13 50 OR OF 53
01-11-11	PERMITS FOR ROAD MAP	01-11-11	PERMITS FOR ROAD MAP	60-08



PROPERTY AND EXISTING ON LINE
 PROPOSED NEW LINE
 CONSTRUCTION LIMITS
 EASEMENT FOR CONSTRUCTION
 & MAINTENANCE OF SLOPES
 FACED FOR CONSTRUCTION OF DITCHES
 FACED FOR CONSTRUCTION OF DITCHES

EXHIBIT "B-5"

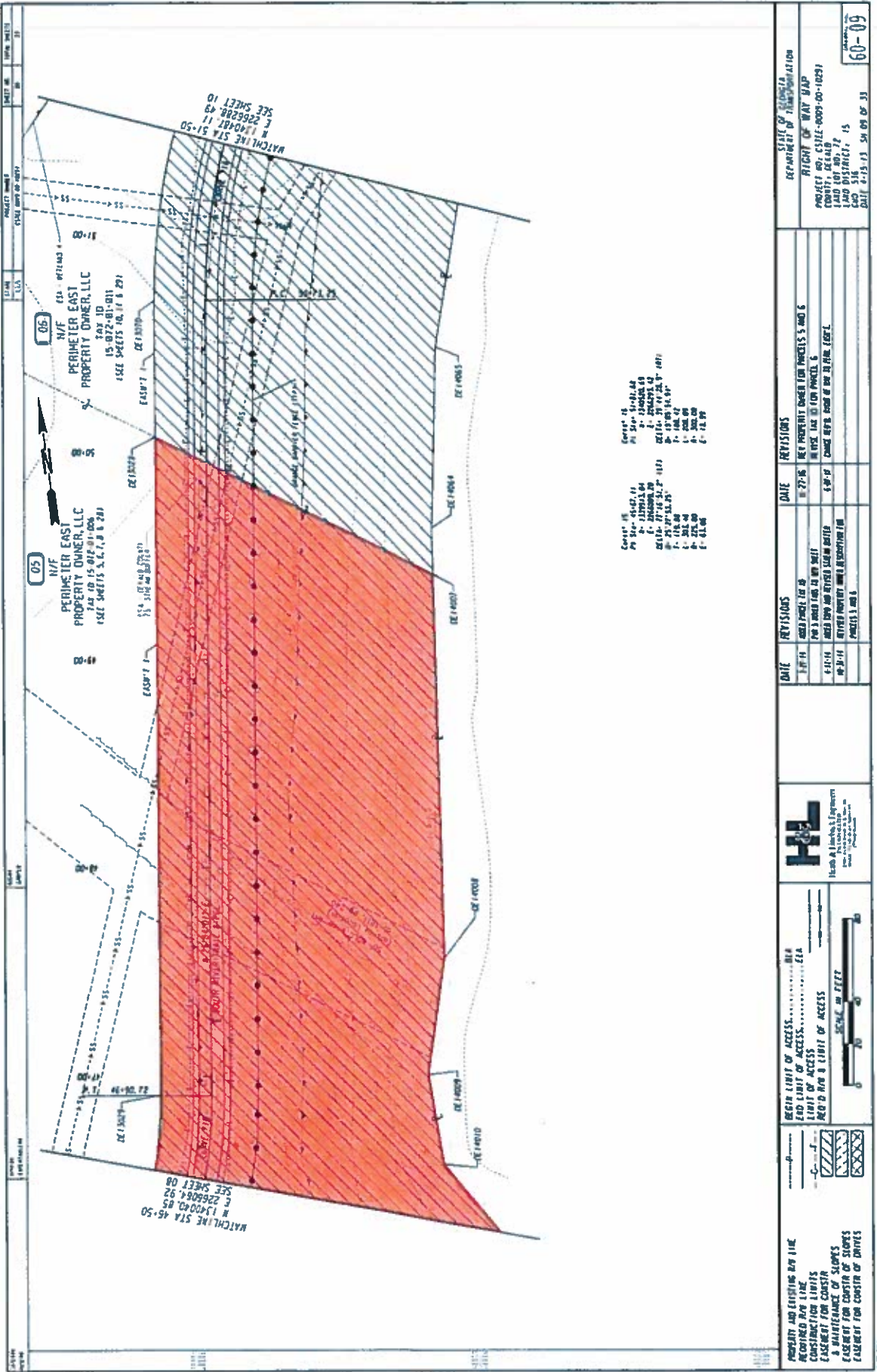



EXHIBIT "B-6"

DATE	DESCRIPTION	REVISIONS	DATE	REVISIONS	DATE	REVISIONS	DATE	REVISIONS
DEC 27	25.00' L							
DEC 28	25.00' L							
DEC 29	25.00' L							
DEC 30	25.00' L							
DEC 31	25.00' L							
DEC 01	25.00' L							
DEC 02	25.00' L							
DEC 03	25.00' L							
DEC 04	25.00' L							
DEC 05	25.00' L							
DEC 06	25.00' L							
DEC 07	25.00' L							
DEC 08	25.00' L							
DEC 09	25.00' L							
DEC 10	25.00' L							
DEC 11	25.00' L							
DEC 12	25.00' L							
DEC 13	25.00' L							
DEC 14	25.00' L							
DEC 15	25.00' L							
DEC 16	25.00' L							
DEC 17	25.00' L							
DEC 18	25.00' L							
DEC 19	25.00' L							
DEC 20	25.00' L							
DEC 21	25.00' L							
DEC 22	25.00' L							
DEC 23	25.00' L							
DEC 24	25.00' L							
DEC 25	25.00' L							
DEC 26	25.00' L							
DEC 27	25.00' L							



H&L
Horn & Lumber Engineers
Professional Engineers
No. 10100 - 10100

DATE **REVISIONS**

2-8-14 1-23 BENT L&S

2-8-14 CHANGE REVISIONS OF THE PLAN L&S

DATE **REVISIONS**

5-13-13 1-12 BENT L&S

5-13-13 CHANGE REVISIONS OF THE PLAN L&S

STATE OF GEORGIA

DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY MAP

PROJECT NO. ESTE-0009-00-1001

COUNTY: DEKALB

L&S OF HWY. 77 SE

FROM STATE HIGHWAY 77

CAD. S.M.

DATE 4-15-13 SW 20 P. 31

60-20

EXHIBIT "A"

DECLARATION OF TAKING

WHEREAS, DeKalb County, Georgia has made and passed a Resolution, and entered an Order, finding that the circumstances in connection with acquiring certain interests in property and easements for public (county) transportation purposes are such that it is necessary to acquire title, estate, or interest in the lands fully described in said order to condemn contained in the Resolution. The order is attached to this Declaration as Appendix A and made a part hereof, under O.C.G.A. § 32-3-1, *et seq.*; and

WHEREAS, said interests in property and easements are for public purposes upon, across and over the tract of land in said county, as fully described in the attachment hereto identified as Appendix B to Exhibit "A" and made a part hereof; and

WHEREAS, DeKalb County, Georgia has caused an investigation and report to be made by a competent land appraiser upon which to estimate the sum of money to be deposited in the Court as just and adequate compensation for the easements, above-referenced to, a copy of the appraiser's sworn statement being attached hereto identified as Appendix C to Exhibit "A" and made a part hereof; and

WHEREAS, in consequence of the sworn statement, Appendix C to Exhibit "A", DeKalb County, Georgia estimates Twenty-One Thousand, One Hundred dollars (\$21,100) as just and adequate compensation to be paid for said easements, as fully described in Appendix B to Exhibit "A" which is attached hereto and made a part hereof and now deposits said sum in the Court to the use of the persons entitled thereto.

NOW THEREFORE, the premises considered, DeKalb County, Georgia, under authority of the Official Code of Georgia Annotated § 32-3-1, *et seq.*, hereby declares that the

property and interests as described in Appendix B to Exhibit "A", which is attached hereto and made a part hereof of this Declaration, is taken for purposes of locating, constructing, maintaining, repairing, extending, expanding, and/or installing a non-motorized vehicle multi-purpose trail for public (county) transportation purposes.

DEKALB COUNTY BOARD OF COMMISSIONERS:

JEFF RADER
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County this ____ day of

_____, 2018.

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:

A handwritten signature in blue ink, appearing to read 'B Cheesbro', with a horizontal line drawn underneath the signature.

Benjamin W. Cheesbro

Ga. Bar No. 648368

CAPLAN COBB LLP

75 Fourteenth Street, NE, Suite 2750

Atlanta, Georgia 30309

Tel: (404) 596-5600

Fax: (404) 596-5604

bcheesbro@caplancobb.com

Counsel for Condemnor

Exhibit A

Appendix A (Order to Condemn)

**ORDER OF THE DEKALB COUNTY BOARD OF COMMISSIONERS
TO CONDEMN PROPERTY FOR PURPOSES OF CONSTRUCTING
A PUBLIC TRANSPORTATION PROJECT**

WHEREAS, the Board of Commissioners of DeKalb County has laid out and determined to construct a public multi-use trail project for DeKalb County at that certain parcel identified for tax purposes as parcel identification number 15-072-01-006 by the DeKalb County Board of Tax Assessors, the same being more fully described and shown in the description and drawing attached as Appendix B to the Declaration of Taking.

WHEREAS, the tract of property and other rights as herein described and listed below shown of record as owned by the persons named herein, all as described and shown in Appendix B to the Declaration of Taking (Exhibit "A" to the Petition for Condemnation) incorporated herein by reference and made a part of this Order are essential for the construction of said project:

Property/Rights: 311,705.82 Square Feet of Permanent Easement

Owner: P8/Sealy 3370 Panthersville LLC

NOW THEREFORE, in accordance with O.C.G.A. § 32-3-6, it is hereby found by the Board of Commissioners of DeKalb County that the circumstances are such that it is necessary that the property as described in Appendix B to Exhibit "A" of the Declaration of Taking (Exhibit "A" to the Petition for Condemnation) be acquired by condemnation under the provisions of O.C.G.A. § 32-3-1, *et seq.* for public transportation purposes.

IT IS ORDERED, that DeKalb County proceed to acquire the title, estate or interest in the lands hereinafter described as Appendix B of the Declaration of Taking by condemnation under the provisions of said Code, and the County Attorney, or his or her designees, 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 law.

SO ORDERED by the DeKalb County Board of Commissioners, this _____ day of _____, 2018.

DEKALB COUNTY BOARD OF COMMISSIONERS:

JEFF RADER
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County this _____ day of _____, 2018.

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:



Benjamin W. Cheesbro
Ga. Bar No. 648368
CAPLAN COBB LLP
75 Fourteenth Street, NE, Suite 2750
Atlanta, Georgia 30309
Tel: (404) 596-5600
Fax: (404) 596-5604
bcheesbro@caplancobb.com

Counsel for Condemnor

Exhibit A

Appendix B (Property Description)

EXHIBIT "A-1"

PERMANENT TRAIL EASEMENT
P8 Sealy 3370 Panthersville, LLC
Parcel 5
Tax Parcel Identification Number 15-072-01-006

All that Tract or Parcel of land lying and being in Land Lot 89 of the 15th District, DeKalb County, Georgia, and being more particularly described as follows:

BEGINNING at a point 25.00 feet left of and opposite Station 29+08.79 on the construction centerline of S. River Trail; thence N89°15'53.2"E a distance of 1.88 feet to a point 25.00 feet left of and opposite Station 29+11.40; thence N88°26'11.3"E a distance of 82.93 feet to a point 25.00 feet left of and opposite Station 29+94.32; thence southeasterly along a curve having a radius of 325.00 feet and an arc length 93.35 feet, with a chord bearing of S83°20'07.1"E and a chord length of 93.03 feet to point 25.00 feet left of and opposite Station 30+80.49; thence N14°52'55.2"E a distance of 5.00 feet to a point 30.00 feet left of and opposite Station 30+80.49; thence southeasterly along a curve having a radius of 330.00 feet and an arc length 24.33 feet, with a chord bearing of S72°59'41.3"E and a chord length of 24.33 feet to point 30.00 feet left of and opposite Station 31+02.61; thence S7052656.6"E a distance of 699.34 feet to a point 30.00 feet left of and opposite Station 38+01.94; thence southeasterly along a curve having a radius of 270.00 feet and an arc length 31.90 feet, with a chord bearing of S74°16'02.2"E and a chord length of 31.88 feet to point 30.00 feet left of and opposite Station 38+37.39; thence S77°39'07.7"E a distance of 322.61 feet to a point 30.00 feet left of and opposite Station 41+60.00; thence S12°20'52.3"W a distance of 5.00 feet to a point 25.00 feet left of and opposite Station 41+60.00; thence S77°39'07.7"E a distance of 227.24 feet to a point 25.00 feet left of and opposite Station 43+87.24; thence northeasterly along a curve having a radius of 200.00 feet and an arc length 269.76 feet, with a chord bearing of N63°42'26.6"E and a chord length of 249.77 feet to point 25.00 feet left of and opposite Station 46+90.72; thence N25°04'01.0"E a distance of 316.45 feet to a point 25.00 feet left of and opposite Station 50+07.17; thence S38°35'16.0"E a distance of 150.09 feet to a point 109.50 feet right of and opposite Station 49+40.56; thence S23°47'19.2"W a distance of 184.44 feet to a point 113.62 feet right of and opposite Station 47+56.17; thence S33°31'08.5"W a distance of 56.72 feet to a point 105.28 feet right of and opposite Station 47+00.07; thence S15°15'18.4"W a distance of 43.82 feet to a point 114.44 feet right of and opposite Station 46+68.26; thence S14°16'51.9"E a distance of 43.82 feet to a point 146.75 feet right of and opposite Station 46+49.51; thence S20°33'21.8"E a distance of 79.16 feet to a point 214.68 feet right of and opposite Station 46+26.89; thence S04°34'26.1"W a distance of 67.77 feet to a point 258.29 feet right of and opposite Station 46+01.55; thence S19°40'53.7"W a distance of 39.68 feet to a point 278.19 feet right of and opposite Station 45+85.89; thence S38°20'44.1"W a distance of 32.59 feet to a point 286.73 feet right of and opposite Station 45+71.94; thence S71°21'01.7"W a distance of 32.59 feet to a point 278.70 feet right of and opposite Station 45+57.94; thence N88°52'09.5"W a distance of 58.69 feet to a point 249.99 feet right of and opposite Station 45+34.39; thence N75°03'34.9"W a distance of 160.21 feet to a point 166.56 feet right of and opposite Station 44+62.72; thence N82°09'41.1"W a

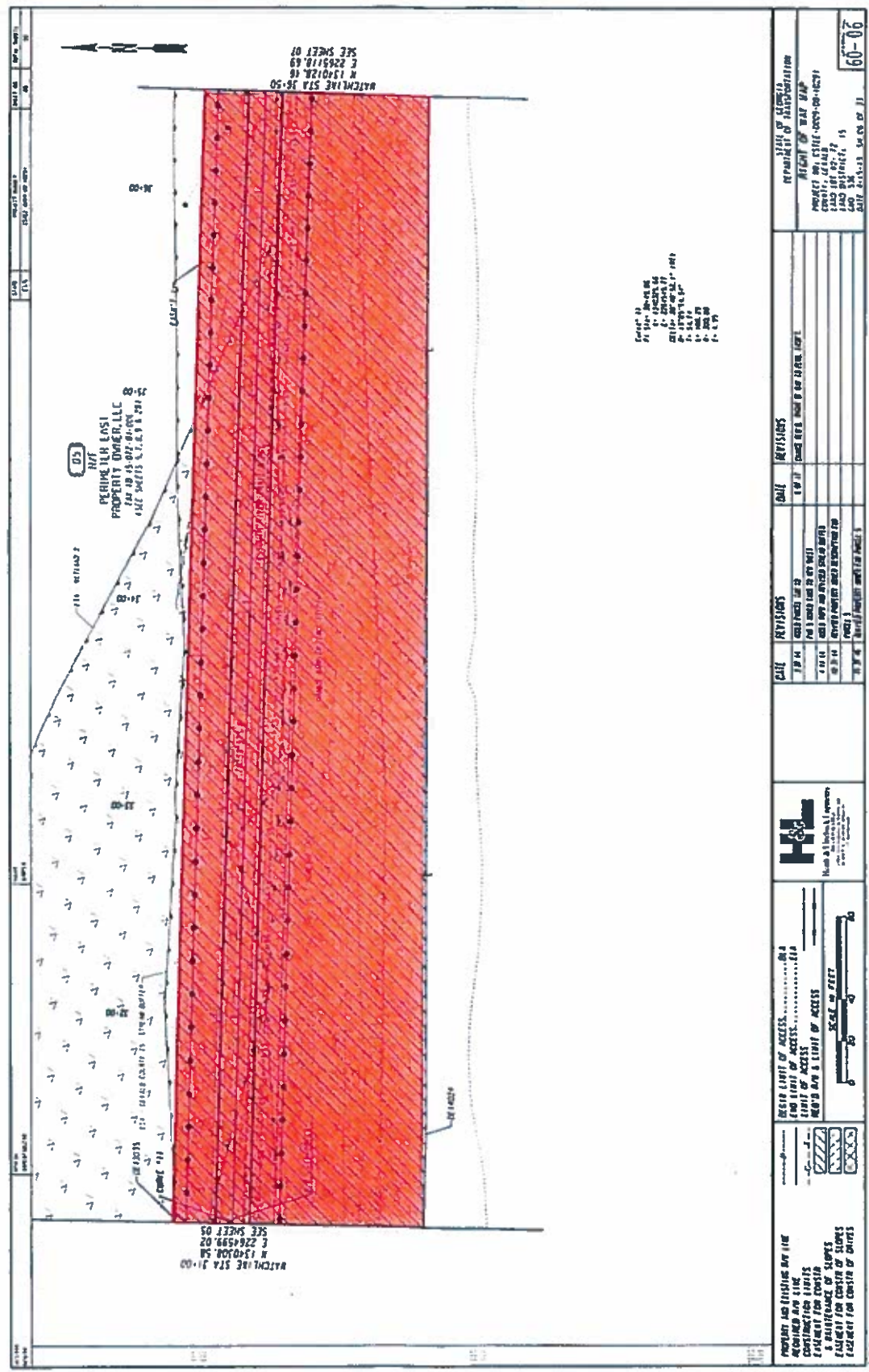
EXHIBIT "A-2"

PERMANENT TRAIL EASEMENT
P8 Sealy 3370 Panthersville, LLC
Parcel 5
Tax Parcel Identification Number 15-072-01-006

distance of 115.34 feet to a point 154.06 feet right of and opposite Station 43+95.51; thence N67°18'13.1"W a distance of 144.56 feet to a point 127.83 feet right of and opposite Station 42+58.96; thence N67°49'21.7"W a distance of 141.35 feet to a point 103.70 feet right of and opposite Station 41+19.69; thence N72°24'02.7"W a distance of 984.06 feet to a point 93.6925.00 feet right of and opposite Station 31+46.15; thence N71°09'36.6"W a distance of 214.32 feet to a point 47.71 feet right of and opposite Station 29+08.55; thence N00°23'05.6"E a distance of 72.71 back to the **POINT OF BEGINNING**, containing 311,705.82 square feet (7.156 acres) more or less.

Said described land being a permanent easement for the construction and maintenance of slopes and shown in orange on the attached Right of Way Maps, marked Exhibit "B-1", Exhibit "B-2", Exhibit "B-3", Exhibit "B-4", Exhibit "B-5", and Exhibit "B-6", prepared by Heath & Lineback Engineers Incorporated dated April 15, 2013 and revised June 7, 2017 is made a part hereof by reference.

EXHIBIT "B-2"



1. 1/15/11
 2. 1/15/11
 3. 1/15/11
 4. 1/15/11
 5. 1/15/11
 6. 1/15/11
 7. 1/15/11
 8. 1/15/11
 9. 1/15/11
 10. 1/15/11

DATE	REVISIONS	DATE	REVISIONS
1/15/11	1. 1/15/11	1/15/11	1. 1/15/11
1/15/11	2. 1/15/11	1/15/11	2. 1/15/11
1/15/11	3. 1/15/11	1/15/11	3. 1/15/11
1/15/11	4. 1/15/11	1/15/11	4. 1/15/11
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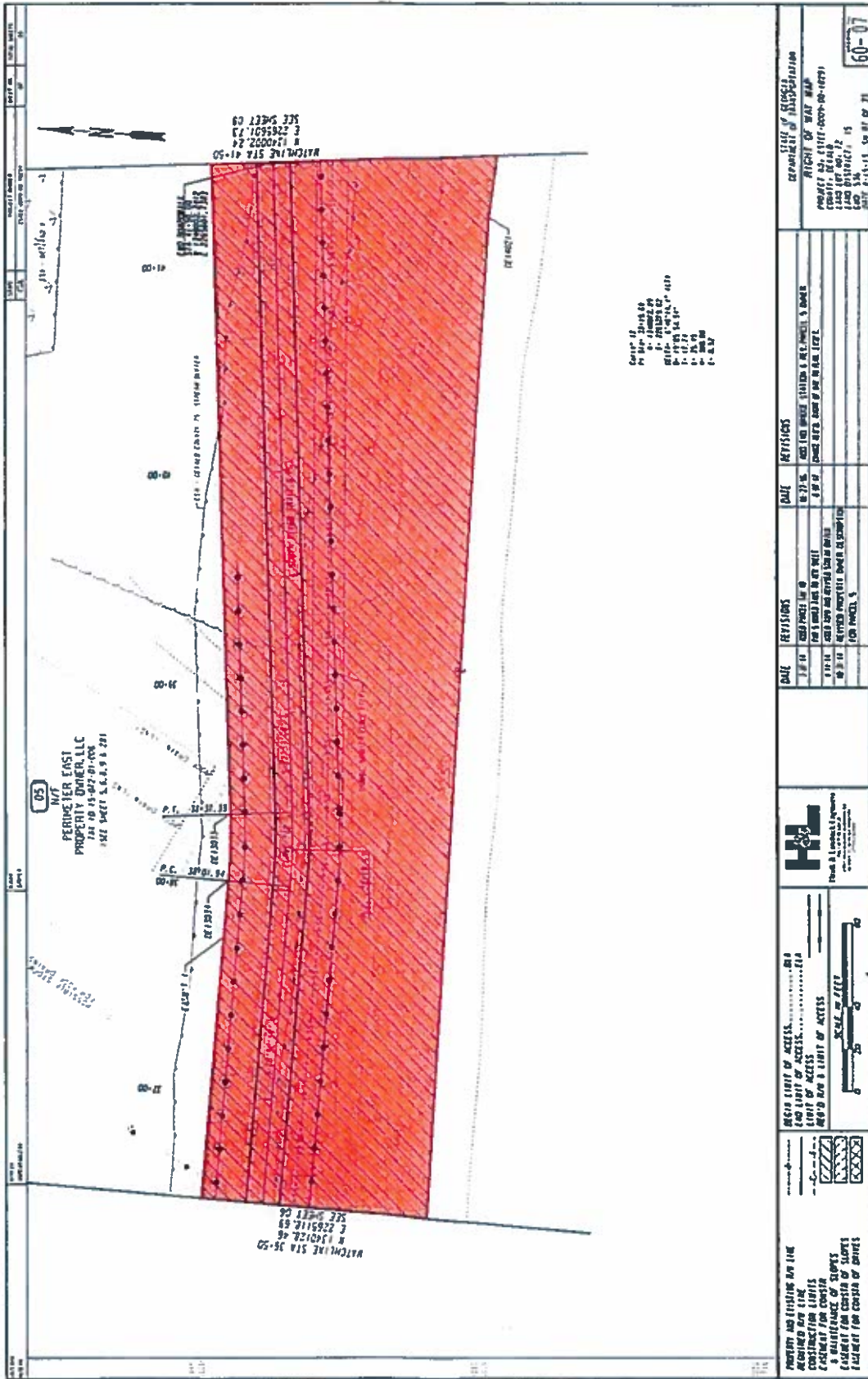
PROPERTY AND EXISTING AND THE PROPOSED NEW LINE
 CONSTRUCTION LIMITS
 EXISTING UTILITIES
 EASEMENT FOR CONSTRUCTION OF SLOPES
 EASEMENT FOR CONSTRUCTION OF DRAINS

DATE SHEET 05
 MATCHLINE STA 31+00
 N 1340508.54
 E 2264599.02
 SEE SHEET 05

DATE SHEET 07
 MATCHLINE STA 36+50
 N 1340128.48
 E 2265118.69
 SEE SHEET 07

PROJECT NO. 11111-0001-00-11111
 SHEET NO. 11111-0001-00-11111
 DATE 11/11/11

EXHIBIT "B-3"



60-07

EXHIBIT "B-4"

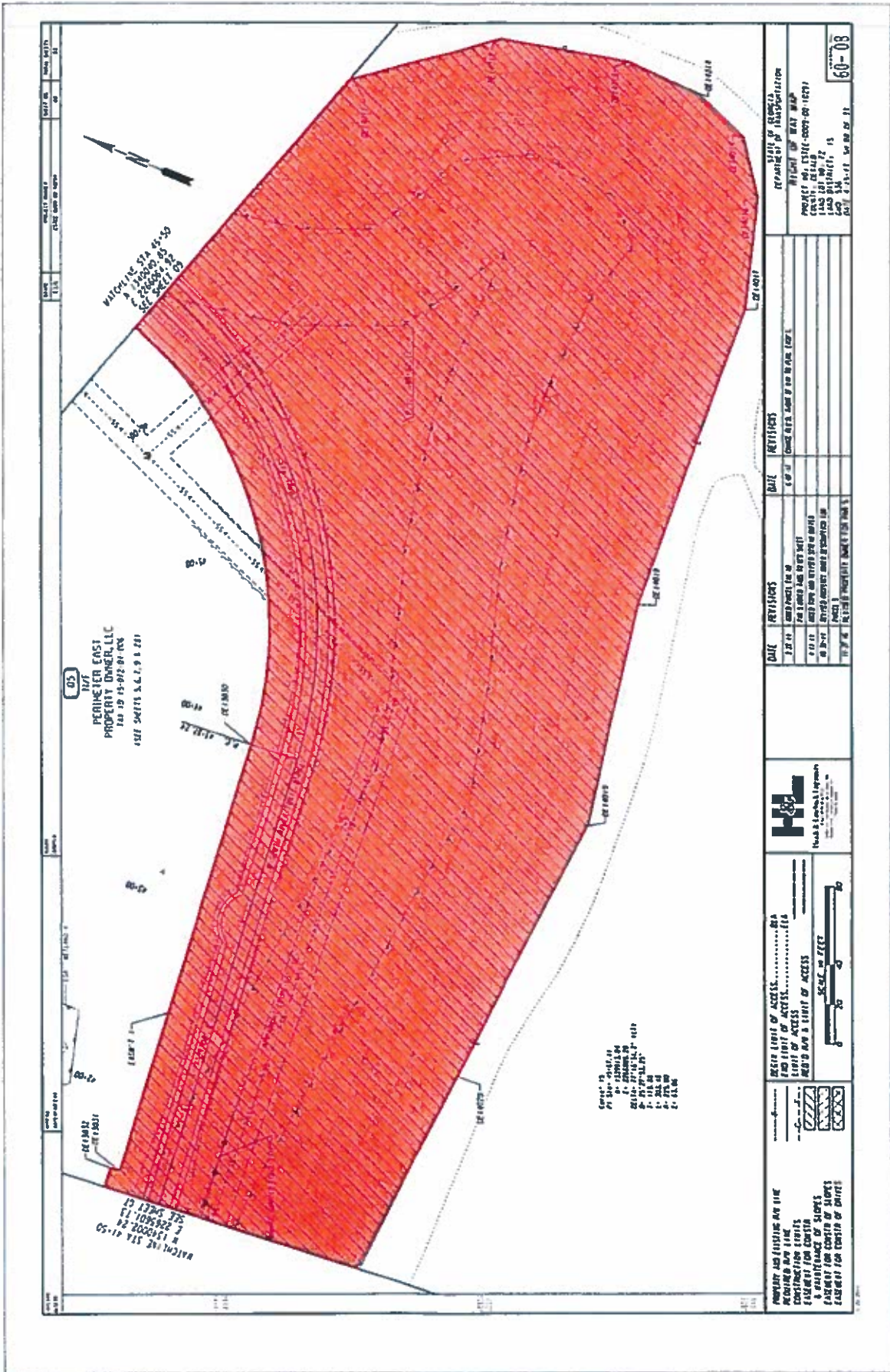
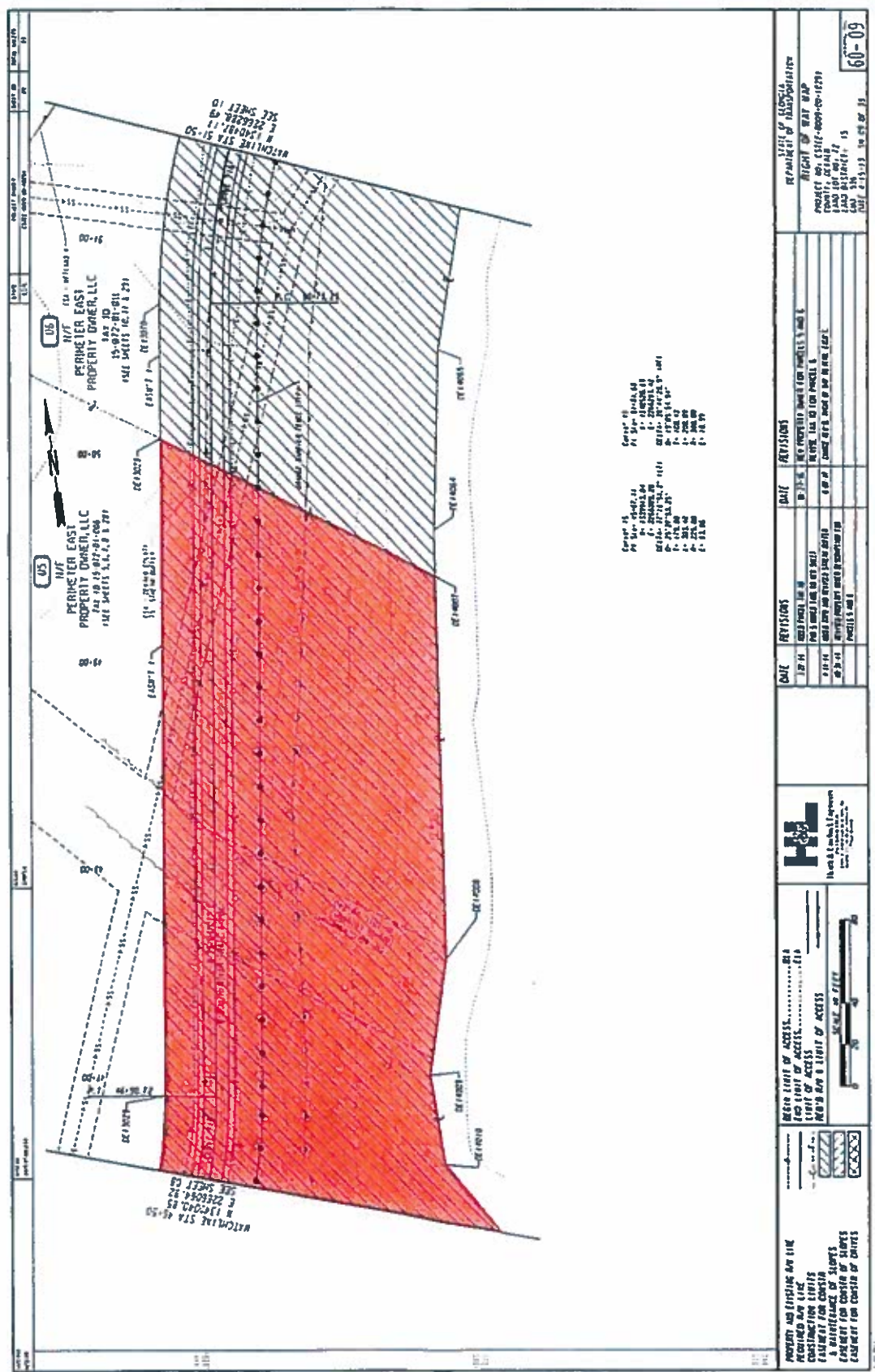


EXHIBIT "B-5"



DATE	REVISIONS
08-14-11	PERMETER EAST PROPERTY OWNER, LLC
08-14-11	PERMETER EAST PROPERTY OWNER, LLC
08-14-11	PERMETER EAST PROPERTY OWNER, LLC
08-14-11	PERMETER EAST PROPERTY OWNER, LLC
08-14-11	PERMETER EAST PROPERTY OWNER, LLC
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08-14-11	PERMETER EAST PROPERTY OWNER, LLC
08-14-11	PERMETER EAST PROPERTY OWNER, LLC

DATE	REVISIONS
08-14-11	PERMETER EAST PROPERTY OWNER, LLC
08-14-11	PERMETER EAST PROPERTY OWNER, LLC
08-14-11	PERMETER EAST PROPERTY OWNER, LLC
08-14-11	PERMETER EAST PROPERTY OWNER, LLC
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08-14-11	PERMETER EAST PROPERTY OWNER, LLC
08-14-11	PERMETER EAST PROPERTY OWNER, LLC
08-14-11	PERMETER EAST PROPERTY OWNER, LLC

STATE OF GEORGIA
 DEPARTMENT OF TRANSPORTATION
 PROJECT NO. 5311C-0001-00-1(20)
 COUNTY OF DEKALB
 LOCATION: I-77
 DATE: 11/15/11

WATCHLINE STA 46+50
 E 285624.92
 WATCHLINE STA 51+50
 E 285624.92

PERMETER EAST
 PROPERTY OWNER, LLC
 15-072-01-011
 CASE 140115 06-18 & 231

PERMETER EAST
 PROPERTY OWNER, LLC
 15-072-01-011
 CASE 140115 06-18 & 231

PROPERTY AND EGRESS ARE LINE
 ACCORDING TO THE
 CONSTRUCTION OF THE
 PROJECT AND THE
 CONTRACT DOCUMENTS.
 THE CONTRACTOR SHALL
 BE RESPONSIBLE FOR
 OBTAINING ALL NECESSARY
 PERMITS AND EGRESS
 RIGHTS FOR THE PROJECT.

EXHIBIT "B-6"

NO.	DATE	DESCRIPTION	AMOUNT	BY	REMARKS
01-0001	01-01-60
01-0002	01-01-60
01-0003	01-01-60
01-0004	01-01-60
01-0005	01-01-60
01-0006	01-01-60
01-0007	01-01-60
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01-0098	01-01-60
01-0099	01-01-60
01-0100	01-01-60



DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
PROJECT NO. C-200-000-00-1001
COUNTY: ...
LAND ACQUISITION
...

Exhibit A

Appendix C
(Appraiser Affidavit)

APPENDIX "C" TO EXHIBIT "A"

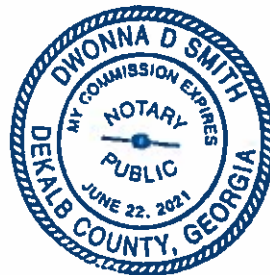
GEORGIA, DEKALB COUNTY

Personally comes, John D. Crawford, residing at 570 Mountainbrooke Circle, Stone Mountain, GA 30087

1. Affiant was employed by the Department of Transportation to appraise Parcel No. 5 of the right of way and rights required for construction of Project No. South River Trail, Phase 5, P.I. No. 0009029 in DeKalb County, Georgia for said Department and makes this sworn statement to be used in connection with condemnation proceedings under the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19, for the acquisition of said parcel.
2. Affiant is familiar with real estate values in said county and in the vicinity where said parcel is located. Affiant has personally inspected the property or right condemned and in appraising said parcel affiant took into consideration the Fair Market Value of said parcel, as well as any consequential damages to remaining property of the Condemnees by reason of the taking and use of said parcel and other rights for the construction of said project, and any consequential benefits which may result to such remaining property by reason of such taking and use (consequential benefits not, however, considered except as offsetting consequential damages). After said investigation and research, affiant has thus estimated that the just and adequate compensation for said parcel, and any consequential damages or benefits considered, is in the amount of \$ 21,100.00.

John D. Crawford
APPRAISER

Sworn to and subscribed before me,
this 6th day of April, 2018.
Meredith Smith
NOTARY PUBLIC
My commission expires 6/22/21



Parcel No. 5



DeKalb County

Public Works

Transportation Division

1950 West Exchange Place, 4th Floor

Tucker, Georgia 30084

Phone: 770-492-5200 - Fax: 770-492-5201

June 15, 2018

Certified Mail Receipt:
7004 1160 0006 7107 9209

P8/Sealy 3370 Panthersville, LLC
Attn: Ryan McCaffrey
3445 Peachtree Road NE, Suite 425

Re: Intent to Condemn—DeKalb County, Georgia
South River Trail, Phase 5
Project No. CSTE-0009-00-(029) P.I. #0009029
Project Parcel #05; Property Parcel Tax ID #15-072-01-006; 3370 Panthersville Road,
Decatur, GA 30034

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 **\$21,100.00**. 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, July 10, 2018 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 to reconsider the County's offer or if you have any questions, please call Holly Wetzel at 770-492-5270.

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 Pelton, PE
Interim Associate Director
Transportation Division

DWP/hkw