



DeKalb County Government

Manuel J. Maloof Center
1300 Commerce Drive
Decatur, Georgia 30030

Agenda Item

File ID: 2017-0774

Substitute

10/24/2017

Public Hearing: YES NO

Department: Watershed Management

SUBJECT:

Commission District(s): 4 and 6

Resolution, Order and Declaration of Taking – Installation of 13,200 LF of 30-inch ductile iron pipe (DIP) from Maple Street to South Columbia Drive for constructing a new transmission main for the “Waterline Replacement Scott Boulevard – Phase III” project. Cost to the County: \$159,400

Information Contact: Scott Towler, Director of Watershed Management

Phone Number: 770-621-7234

PURPOSE:

To consider the attached Resolutions, Orders, and Declaration of Takings for acquisition of parcels of land located with the boundary needed for the construction of the new transmission main.

NEED/IMPACT:

The condemnation will enable the County to construct a new 30-inch DIP transmission main.

FISCAL IMPACT:

The required property interests are valued at a total of \$159,400 and 8 separate parcels.

Parcel No.	TAX ID	OWNER	VALUE
Parcel 1	15-248-12-015	Joseph C. Gargiulo	\$23,400
Parcel 2	15-248-22-006	Joseph C. Gargiulo	\$25,000
Parcel 3	15-248-22-007	Charles M. Blalock	\$9,900
Parcels 4&5	15-248-22-008 & 15-248-22-009	Charles M. Blalock	\$4,200
Parcel 6	15-248-22-001	Joseph C. Gargiulo	\$17,650
Parcel 7	15-248-22-012	Joseph C. Gargiulo	\$77,250
Parcel 10	15-233-01-010	Nathan L. Pawlicki/Katherine Clark	\$2,000

RECOMMENDATION:

Adopt the attached Resolutions, Orders and Declaration of takings for acquisition of land in Parcels 1, 2, 3, 4, 5, 6, 7, and 10 (listed above) – needed for the “Waterline Replacement Scott Boulevard Phase III” project; and to authorize the Chief Executive Officer to execute all necessary documents.

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 PUBLIC WATER OR SEWER SYSTEM 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. Sections 22-3-140 and 32-3-1, *et seq.* in the acquisition of certain interests in property for county water or sewer system 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. Sections 22-3-140 and 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 Joseph C. Gargiulo; Synovus Bank, as successor by merger to Bank of North Georgia; and Jozef's Mercedes Service, Inc., their successors or assigns. It is further resolved that payment of just and adequate compensation in the amount of twenty-three thousand four hundred dollars (\$23,400.00) be made to the person or persons entitled to such payment. The Chief Executive Officer, Interim 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 _____, 2017.

DEKALB COUNTY BOARD OF COMMISSIONERS:

KATHIE GANNON
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

[SIGNATURES CONTINUED ON THE FOLLOWING PAGE]

APPROVED by the Chief Executive Officer of DeKalb County this _____ day of _____, 2017.

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

APPROVED AS TO FORM:



Sarah VanVolkenburgh
Counsel for DeKalb County

NOTES:
 1. BOUNDARY SURVEY OF PARCELS HAS NOT BEEN PERFORMED BY PRIME ENGINEERING, INC.

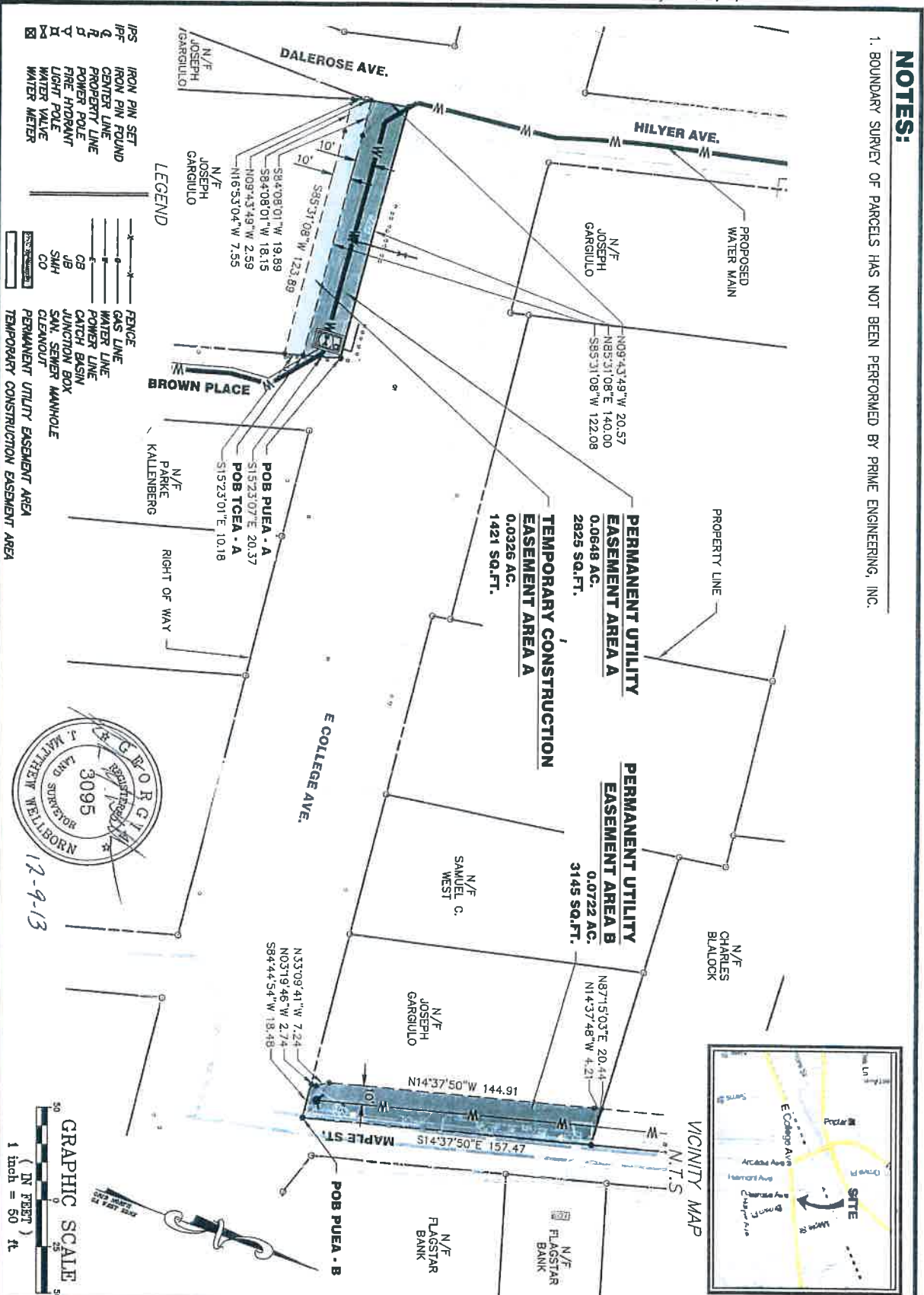


Exhibit A
 Page 1 of 2

1 OF 2	<p>JOSEPH GARGIULO EASEMENTS FOR 2744 MAPLE STREET & 2747 E. COLLEGE AVE. PREPARED FOR: DEKALB COUNTY WATERSHED MANAGEMENT LOCATED IN: LAND LOT 248, 15TH DISTRICT, DEKALB COUNTY, GA</p>	<p>DRAWN BY: JDP CHECKED BY: JMW SCALE: 1" = 50' DRAWING DATE: 11/18/13 PROJECT NUMBER: 2013-0027</p>	<p>PRIME ENGINEERING INCORPORATED 3715 NORTHSIDE PARKWAY NW 300 NORTHCREEK, SUITE 200 ATLANTA, GEORGIA 30327 404-425-7100</p>
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LEGAL DESCRIPTION

PERMANENT UTILITY EASEMENT AREA A

(JOSEPH GARGIULO AT BROWN PLACE)

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 248 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE INTERSECTION OF THE SOUTHERN RIGHT OF WAY OF EAST COLLEGE AVENUE (VARIABLE R/W) AND THE WESTERN RIGHT OF WAY OF BROWN PLACE (40' R/W), SAID POINT BEING THE POINT OF BEGINNING:

THENCE FROM SAID POINT OF BEGINNING AND ALONG SAID RIGHT OF WAY OF BROWN PLACE SOUTH 15 DEGREES 23 MINUTES 07 SECONDS EAST A DISTANCE OF 20.37 FEET TO A POINT, THENCE SOUTH 85 DEGREES 31 MINUTES 08 SECONDS WEST A DISTANCE OF 122.08 FEET TO A POINT ON THE EASTERN RIGHT OF WAY OF DALEROSE AVENUE (VARIABLE R/W), THENCE ALONG DALEROSE AVENUE NORTH 09 DEGREES 43 MINUTES 49 SECONDS WEST A DISTANCE OF 20.57 FEET TO A POINT ON THE SOUTHERN RIGHT OF WAY OF EAST COLLEGE AVENUE, THENCE ALONG SAID RIGHT OF WAY NORTH 85 DEGREES 31 MINUTES 08 SECONDS EAST A DISTANCE OF 140.00 FEET TO A POINT ON THE WESTERN RIGHT OF WAY OF BROWN PLACE, SAID POINT BEING THE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINS 0.0648 ACRES/2825 SQ.FT.

LEGAL DESCRIPTION

PERMANENT UTILITY EASEMENT AREA B

(JOSEPH GARGIULO AT MAPLE STREET)

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SAID TRACT OR PARCEL CONTAINS 0.0722 ACRES/3145 SQ.FT.

LEGAL DESCRIPTION

TEMPORARY CONSTRUCTION EASEMENT AREA A

(JOSEPH GARGIULO AT BROWN PLACE)

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 248 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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SAID TRACT OR PARCEL CONTAINS 0.0326 ACRES/1421 SQ.FT.



12-9-13

PRIME ENGINEERING

INCORPORATED
3715 NORTHSIDE PARKWAY NW
300 NORTHCREEK, SUITE 300
ATLANTA, GEORGIA 30127
404-425-7100

DRAWN BY:	JDP
CHECKED BY:	JMW
SCALE:	N.T.S.
DRAWING DATE:	11/18/13
PROJECT NUMBER:	2013-0027

JOSEPH GARGIULO EASEMENTS FOR
2744 MAPLE STREET & 2747 E. COLLEGE AVE.
PREPARED FOR:
DEKALB COUNTY WATERSHED MANAGEMENT
LOCATED IN:
LAND LOT 248, 15TH DISTRICT,
DEKALB COUNTY, GA

2 OF 2

R:\2013-0027 dekalb-scott bnd ph 3 waterline replacement\2 SURVEY\Easements\SE-A-6 JOSEPH GARGIULO-2 LEGAL.dwg Mon, 12/09/13 8:54 AM

EXHIBIT “A”

DECLARATION OF TAKING

WHEREAS, DeKalb County, Georgia has made and passed a Resolution finding that the circumstances in connection with acquiring certain interests in property and easements for public (county) water and/or sewer 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, a certified copy/duplicate original of which is attached to this Declaration as Appendix A to Exhibit “A,” and made a part hereof, under O.C.G.A. §§ 32-3-1 *et seq.* and O.C.G.A. § 22-3-140, 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-referred 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 \$23,400.00 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.* and O.C.G.A. § 22-3-140

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, replacing, extending, expanding, and/or installing infrastructure for a public (county) water and/or sewer purposes.

DEKALB COUNTY BOARD OF COMMISSIONERS:

KATHIE GANNON
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County this _____ day of _____, 2017.

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

APPROVED AS TO FORM:



Sarah VanVolkenburgh
Georgia Bar No. 481771
JARRARD & DAVIS, LLP
105 Pilgrim Village Drive, Suite 200
Cumming, Georgia 30040
(678) 455-7150 – telephone
(678) 455-7149 – facsimile
Attorney for Condemnor

APPENDIX A TO EXHIBIT A
RESOLUTION AND ORDER OF BOARD OF COMMISSIONERS

**ORDER OF THE DEKALB COUNTY BOARD OF COMMISSIONERS TO CONDEMN
PROPERTY FOR PURPOSES OF CONSTRUCTING AND IMPROVING A PUBLIC
WATER AND/OR SEWER SYSTEM PROJECT**

WHEREAS, the Board of Commissioners of DeKalb County has laid out and determined to construct and improve a public water and/or sewer system project for DeKalb County at that certain parcel identified for tax purposes as parcel identification number 15-248-12-015 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 (Exhibit “A” to the Petition for Condemnation).

WHEREAS, the tract of property and other rights as herein described and as 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:	2,825 Square Feet of Permanent Utility Easement 1,421 Square Feet of Temporary Construction Easement
Owner:	Joseph C. Gargiulo; Synovus Bank, as successor by merger to Bank of North Georgia
Potentially Interested Parties:	Jozef's Mercedes Service, Inc.

NOW THEREFORE, in accordance with O.C.G.A. §§ 22-3-140 and 32-3-6(b)(6) and (c), 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 be acquired by condemnation under the provisions of O.C.G.A. §§ 22-3-140 and 32-3-1 *et seq.* for public water and/or sewer system purposes.

IT IS ORDERED that DeKalb County proceed to acquire the title, estate or interest in the lands hereinafter described in Appendix B of the Declaration of Taking (Exhibit “A” to the Petition for Condemnation) by condemnation under the provisions of said Code, and the County Attorney 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 _____, 2017.

DEKALB COUNTY BOARD OF COMMISSIONERS:

KATHIE GANNON
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County this ____ day of _____, 2017.

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

[SIGNATURES CONTINUED ON THE FOLLOWING PAGE]

APPROVED AS TO FORM:



Sarah VanVolkenburgh

Georgia Bar No. 481771

JARRARD & DAVIS, LLP

105 Pilgrim Village Drive, Suite 200

Cumming, Georgia 30040

(678) 455-7150 – telephone

(678) 455-7149 – facsimile

Attorney for Condemnor

APPENDIX B TO EXHIBIT A
LEGAL DESCRIPTION AND PLAT

DESCRIPTION

PERMANENT UTILITY EASEMENT AREA A

(JOSEPH GARGIULO AT BROWN PLACE)
SCOTT BOULEVARD PROJECT – PARCEL 1

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 248 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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SCOTT BOULEVARD PROJECT – PARCEL 1

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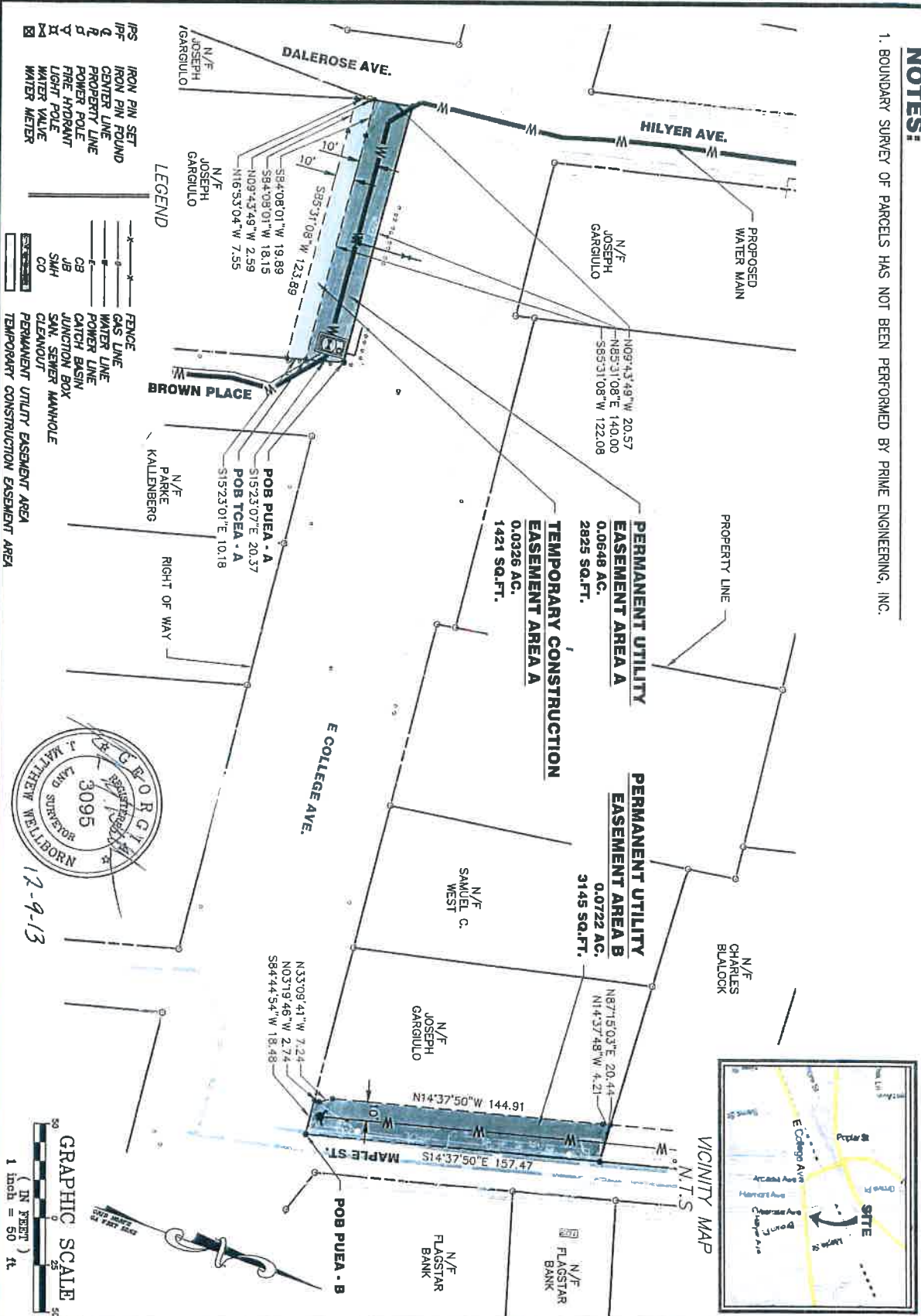
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SAID TRACT OR PARCEL CONTAINS 0.0326 ACRES/1421 SQ.FT. SAID EASEMENT IS TO BECOME EFFECTIVE AT THE BEGINNING OF CONSTRUCTION OF THE PROJECT AND WILL EXPIRE ON DECEMBER 28, 2019, OR UPON COMPLETION AND FINAL ACCEPTANCE OF SAID PROJECT BY DEKALB COUNTY, WHICHEVER SHALL FIRST OCCUR.

NOTES:

1. BOUNDARY SURVEY OF PARCELS HAS NOT BEEN PERFORMED BY PRIME ENGINEERING, INC.



- LEGEND**
- IPS IRON PIN SET
 - IPF IRON PIN FOUND
 - Q CENTER LINE
 - R PROPERTY LINE
 - D POWER LINE
 - V FIRE HYDRANT
 - X LIGHT POLE
 - WATER VALVE
 - WATER METER
-
- FENCE
 - GAS LINE
 - WATER LINE
 - POWER LINE
 - CATCH BASIN
 - JUNCTION BOX
 - SAN. SEWER MANHOLE
 - CLEANOUT
 - PERMANENT UTILITY EASEMENT AREA
 - TEMPORARY CONSTRUCTION EASEMENT AREA



12-9-13



1 OF 2

**JOSEPH GARGIULO EASEMENTS FOR
2744 MAPLE STREET & 2747 E. COLLEGE AVE.
PREPARED FOR:
DEKALB COUNTY WATERSHED MANAGEMENT
LOCATED IN:
LAND LOT 248, 15TH DISTRICT,
DEKALB COUNTY, GA**

DRAWN BY: JDP
CHECKED BY: JMW
SCALE: 1" = 50'
DRAWING DATE: 11/18/13
PROJECT NUMBER: 2013-0027

PRIME ENGINEERING INCORPORATED
3715 NORTHSIDE PARKWAY NW
300 NORTHCREEK, SUITE 200
ATLANTA, GEORGIA 30127
404-425-7100

R:\2013-0027 dekalb--scott blvd ph 3 waterline replacement\2 SURVEY\replacements\SEEA-B JOSEPH GARGIULO-2 LEGAL.dwg Mon, 12/09/13 8:54 AM

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PERMANENT UTILITY EASEMENT AREA B

(JOSEPH GARGIULO AT MAPLE STREET)

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12-9-13

PRIME ENGINEERING INCORPORATED
1715 NORTHSIDE PARKWAY NW
300 NORTH CREEK SUITE 200
ATLANTA, GEORGIA 30127
404-425-7100

DRAWN BY: JDP
CHECKED BY: JMW
SCALE: N.T.S.
DRAWING DATE: 11/18/13
PROJECT NUMBER: 2013-0027

JOSEPH GARGIULO EASEMENTS FOR
2744 MAPLE STREET & 2747 E. COLLEGE AVE.
PREPARED FOR:
DEKALB COUNTY WATERSHED MANAGEMENT
LOCATED IN:
LAND LOT 248, 15TH DISTRICT,
DEKALB COUNTY, GA

APPENDIX C TO EXHIBIT A
APPRAISER'S AFFIDAVIT

APPENDIX "C" TO EXHIBIT "A"

GEORGIA, DeKalb COUNTY

Personally comes Daniel Diaz, residing at 3906 Oberlin Court Tucker, Georgia, 30084, and states on oath as follows:

1. Affiant was employed by DeKalb County to appraise Parcel No. 1 of the right of way and rights required for construction of Project No. 2013-0027 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.

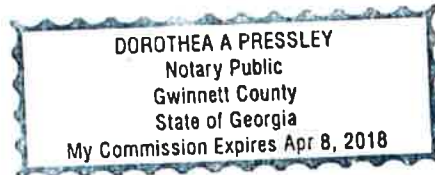
2. Affiant is familiar with real estate values in said county and in the vicinity where said parcel is located. Affiant has personally inspected the property or right condemned and in appraising said parcel affiant took into consideration the Fair Market Value of said parcel, as well as any consequential 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 \$ 23,400.

Daniel Diaz
APPRAISER

Sworn to and subscribed before me,
this 20 day of October, 2016.

NOTARY PUBLIC

My commission expires 4/8/2018



Parcel No. 1 (2741 East College Avenue)

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 PUBLIC WATER OR SEWER SYSTEM 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. Sections 22-3-140 and 32-3-1, *et seq.* in the acquisition of certain interests in property for county water or sewer system 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. Sections 22-3-140 and 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 Joseph C. Gargiulo; Synovus Bank, as successor by merger to Bank of North Georgia; and The Odd's End, their successors or assigns. It is further resolved that payment of just and adequate compensation in the amount of twenty-five thousand dollars (\$25,000.00) be made to the person or persons entitled to such payment. The Chief Executive Officer, Interim 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 _____, 2017.

DEKALB COUNTY BOARD OF COMMISSIONERS:

KATHIE GANNON
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

[SIGNATURES CONTINUED ON THE FOLLOWING PAGE]

APPROVED by the Chief Executive Officer of DeKalb County this _____ day of _____, 2017.

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

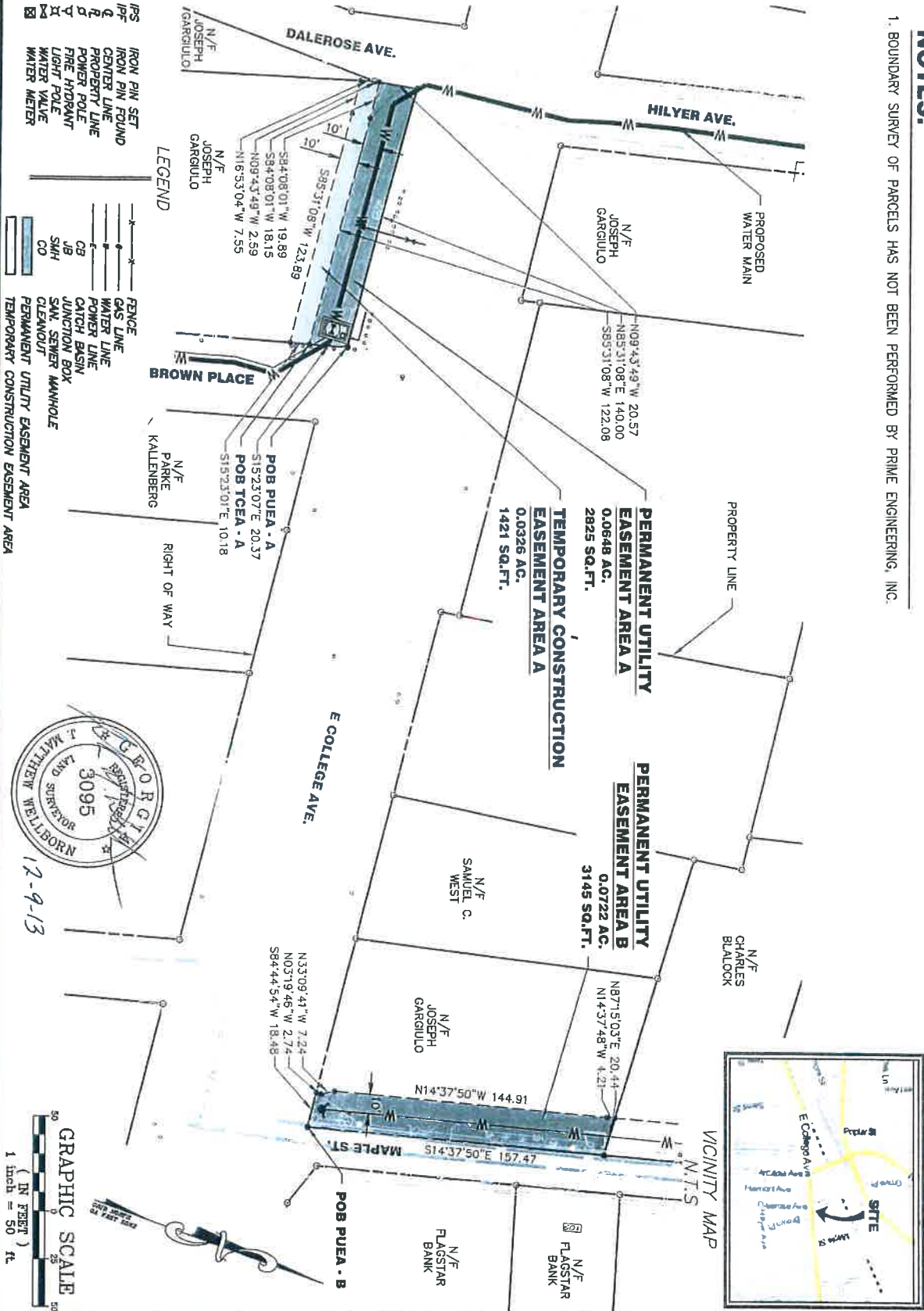
APPROVED AS TO FORM:



Sarah VanVolkenburgh
Counsel for DeKalb County

NOTES:

1. BOUNDARY SURVEY OF PARCELS HAS NOT BEEN PERFORMED BY PRIME ENGINEERING, INC.



12-9-13



Exhibit A
Page 1 of 2

1 OF 2

**JOSEPH GARGIULO EASEMENTS FOR
2744 MAPLE STREET & 2747 E. COLLEGE AVE.
PREPARED FOR:
DEKALB COUNTY WATERSHED MANAGEMENT
LOCATED IN:
LAND LOT 248, 15TH DISTRICT,
DEKALB COUNTY, GA**

**DRAWN BY: JDP
CHECKED BY: JMW
SCALE: 1" = 50'
DRAWING DATE: 11/18/13
PROJECT NUMBER: 2013-0027**

PRIME ENGINEERING INCORPORATED
3715 NORTHSIDE PARKWAY NW
300 NORTHCREEK, SUITE 200
ATLANTA, GEORGIA 30327
404-425-7100

R:\2013-0027 detalb-scott bvd ph 3 waterline replacement\2 SURVEY\seasements\SBEA-6 JOSEPH GARGIULO-2 LEGAL.dwg Mon, 12/09/13 8:54 AM

LEGAL DESCRIPTION
PERMANENT UTILITY EASEMENT AREA A
(JOSEPH GARGIULO AT BROWN PLACE)

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 248 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE INTERSECTION OF THE SOUTHERN RIGHT OF WAY OF EAST COLLEGE AVENUE (VARIABLE R/W) AND THE WESTERN RIGHT OF WAY OF BROWN PLACE (40' R/W), SAID POINT BEING THE POINT OF BEGINNING:

THENCE FROM SAID POINT OF BEGINNING AND ALONG SAID RIGHT OF WAY OF BROWN PLACE SOUTH 15 DEGREES 23 MINUTES 07 SECONDS EAST A DISTANCE OF 20.37 FEET TO A POINT, THENCE SOUTH 85 DEGREES 31 MINUTES 08 SECONDS WEST A DISTANCE OF 122.08 FEET TO A POINT ON THE EASTERN RIGHT OF WAY OF DALEROSE AVENUE (VARIABLE R/W), THENCE ALONG DALEROSE AVENUE NORTH 09 DEGREES 43 MINUTES 49 SECONDS WEST A DISTANCE OF 20.57 FEET TO A POINT ON THE SOUTHERN RIGHT OF WAY OF EAST COLLEGE AVENUE, THENCE ALONG SAID RIGHT OF WAY NORTH 85 DEGREES 31 MINUTES 08 SECONDS EAST A DISTANCE OF 140.00 FEET TO A POINT ON THE WESTERN RIGHT OF WAY OF BROWN PLACE, SAID POINT BEING THE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINS 0.0648 ACRES/2825 SQ.FT.

LEGAL DESCRIPTION
PERMANENT UTILITY EASEMENT AREA B
(JOSEPH GARGIULO AT MAPLE STREET)

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 248 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE INTERSECTION OF THE NORTHERN RIGHT OF WAY OF EAST COLLEGE AVENUE (VARIABLE R/W) AND THE WESTERN RIGHT OF WAY OF MAPLE STREET (VARIABLE R/W), SAID POINT BEING THE POINT OF BEGINNING:

THENCE FROM SAID POINT OF BEGINNING AND ALONG SAID RIGHT OF WAY OF EAST COLLEGE AVENUE SOUTH 84 DEGREES 44 MINUTES 54 SECONDS WEST A DISTANCE OF 18.48 FEET TO A POINT, THENCE LEAVING SAID RIGHT OF WAY NORTH 03 DEGREES 19 MINUTES 46 SECONDS WEST A DISTANCE OF 2.74 FEET TO A POINT, THENCE NORTH 33 DEGREES 09 MINUTES 41 SECONDS WEST A DISTANCE OF 7.24 FEET TO A POINT, THENCE NORTH 14 DEGREES 37 MINUTES 50 SECONDS WEST A DISTANCE OF 144.91 FEET TO A POINT, THENCE NORTH 14 DEGREES 37 MINUTES 48 SECONDS WEST A DISTANCE OF 4.21 FEET TO A POINT, THENCE NORTH 87 DEGREES 15 MINUTES 03 SECONDS EAST A DISTANCE OF 20.44 FEET TO A POINT ON THE WESTERN RIGHT OF WAY OF MAPLE STREET, THENCE ALONG SAID RIGHT OF WAY SOUTH 14 DEGREES 37 MINUTES 50 SECONDS EAST A DISTANCE OF 157.47 FEET TO A POINT ON THE NORTHERN RIGHT OF WAY OF EAST COLLEGE AVENUE, SAID POINT BEING THE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINS 0.0722 ACRES/3145 SQ.FT.

LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT AREA A
(JOSEPH GARGIULO AT BROWN PLACE)

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 248 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE INTERSECTION OF THE SOUTHERN RIGHT OF WAY OF EAST COLLEGE AVENUE (VARIABLE R/W) AND THE WESTERN RIGHT OF WAY OF BROWN PLACE (40' R/W), THENCE ALONG THE WESTERN RIGHT OF WAY OF BROWN PLACE SOUTH 15 DEGREES 23 MINUTES 07 SECONDS EAST A DISTANCE OF 20.37 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING:

THENCE FROM SAID POINT OF BEGINNING AND ALONG SAID RIGHT OF WAY OF BROWN PLACE SOUTH 15 DEGREES 23 MINUTES 01 SECONDS EAST A DISTANCE OF 10.18 FEET TO A POINT, THENCE LEAVING SAID RIGHT OF WAY SOUTH 85 DEGREES 31 MINUTES 08 SECONDS WEST A DISTANCE OF 123.89 FEET TO A POINT, THENCE SOUTH 84 DEGREES 08 MINUTES 01 SECONDS WEST A DISTANCE OF 18.15 FEET TO A POINT ON THE EASTERN RIGHT OF WAY OF DALEROSE AVENUE, THENCE ALONG DALEROSE AVENUE NORTH 16 DEGREES 53 MINUTES 04 SECONDS WEST A DISTANCE OF 7.55 FEET TO A POINT, THENCE CONTINUING ALONG DALEROSE AVENUE NORTH 09 DEGREES 43 MINUTES 49 SECONDS WEST A DISTANCE OF 2.59 FEET TO A POINT, THENCE NORTH 84 DEGREES 08 MINUTES 01 SECONDS EAST A DISTANCE OF 19.89 FEET TO A POINT, THENCE NORTH 85 DEGREES 31 MINUTES 08 SECONDS EAST A DISTANCE OF 122.08 FEET TO A POINT ON THE WESTERN RIGHT OF WAY OF BROWN PLACE, SAID POINT BEING THE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINS 0.0326 ACRES/1421 SQ.FT.



12-9-13

PRIME ENGINEERING
INCORPORATED
3715 NORTHSIDE PARKWAY NW
300 NORTHGREEK SUITE 200
ATLANTA, GEORGIA 30137
404-425-7100

DRAWN BY:	JDP
CHECKED BY:	JMW
SCALE:	N.T.S.
DRAWING DATE:	11/18/13
PROJECT NUMBER:	2013-0027

JOSEPH GARGIULO EASEMENTS FOR
2744 MAPLE STREET & 2747 E. COLLEGE AVE.
PREPARED FOR:
DEKALB COUNTY WATERSHED MANAGEMENT
LOCATED IN:
LAND LOT 248, 15TH DISTRICT,
DEKALB COUNTY, GA

2 OF 2

EXHIBIT "A"

DECLARATION OF TAKING

WHEREAS, DeKalb County, Georgia has made and passed a Resolution finding that the circumstances in connection with acquiring certain interests in property and easements for public (county) water and/or sewer 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, a certified copy/duplicate original of which is attached to this Declaration as Appendix A to Exhibit "A," and made a part hereof, under O.C.G.A. §§ 22-3-140 and 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-referred 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 \$25,000.00 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.* and O.C.G.A. § 22-3-140 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, replacing, extending, expanding, and/or installing infrastructure for a public (county) water and/or sewer purposes.

DEKALB COUNTY BOARD OF COMMISSIONERS:

KATHIE GANNON
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County this _____ day of _____, 2017.

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

APPROVED AS TO FORM:



Sarah VanVolkenburgh
Georgia Bar No. 481771
JARRARD & DAVIS, LLP
105 Pilgrim Village Drive, Suite 200
Cumming, Georgia 30040
(678) 455-7150 – telephone
(678) 455-7149 – facsimile
Attorney for Condemnor

Scott Boulevard – parcel 2

APPENDIX A TO EXHIBIT A
RESOLUTION AND ORDER OF BOARD OF COMMISSIONERS

**ORDER OF THE DEKALB COUNTY BOARD OF COMMISSIONERS TO CONDEMN
PROPERTY FOR PURPOSES OF CONSTRUCTING AND IMPROVING A PUBLIC
WATER AND/OR SEWER SYSTEM PROJECT**

WHEREAS, the Board of Commissioners of DeKalb County has laid out and determined to construct and improve a public water and/or sewer system project for DeKalb County at that certain parcel identified for tax purposes as parcel identification number 15-248-22-006 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 (Exhibit “A” to the Petition for Condemnation).

WHEREAS, the tract of property and other rights as herein described and as 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:	3,145 Square Feet of Permanent Utility Easement
Owner:	Joseph C. Gargiulo; Synovus Bank, as successor by merger to Bank of North Georgia
Potentially Interested Parties:	The Odd’s End

NOW THEREFORE, in accordance with O.C.G.A. §§ 22-3-140 and 32-3-6(b)(6) and (c), 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 be acquired by condemnation under the provisions of O.C.G.A. §§ 22-3-140 and 32-3-1 *et seq.* for public water and/or sewer system purposes.

IT IS ORDERED that DeKalb County proceed to acquire the title, estate or interest in the lands hereinafter described in Appendix B of the Declaration of Taking (Exhibit “A” to the Scott Boulevard – parcel 2
Page 1 of 3

Petition for Condemnation) by condemnation under the provisions of said Code, and the County Attorney 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 _____, 2017.

DEKALB COUNTY BOARD OF COMMISSIONERS:

KATHIE GANNON
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County this ____ day of _____, 2017.

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

[SIGNATURES CONTINUED ON THE FOLLOWING PAGE]

APPROVED AS TO FORM:



Sarah VanVolkenburgh

Georgia Bar No. 481771

JARRARD & DAVIS, LLP

105 Pilgrim Village Drive, Suite 200

Cumming, Georgia 30040

(678) 455-7150 – telephone

(678) 455-7149 – facsimile

Attorney for Condemnor

APPENDIX B TO EXHIBIT A
LEGAL DESCRIPTION AND PLAT

LEGAL DESCRIPTION

PERMANENT UTILITY EASEMENT AREA B

(JOSEPH GARGIULO AT MAPLE STREET)
SCOTT BOULEVARD PROJECT – PARCEL 2

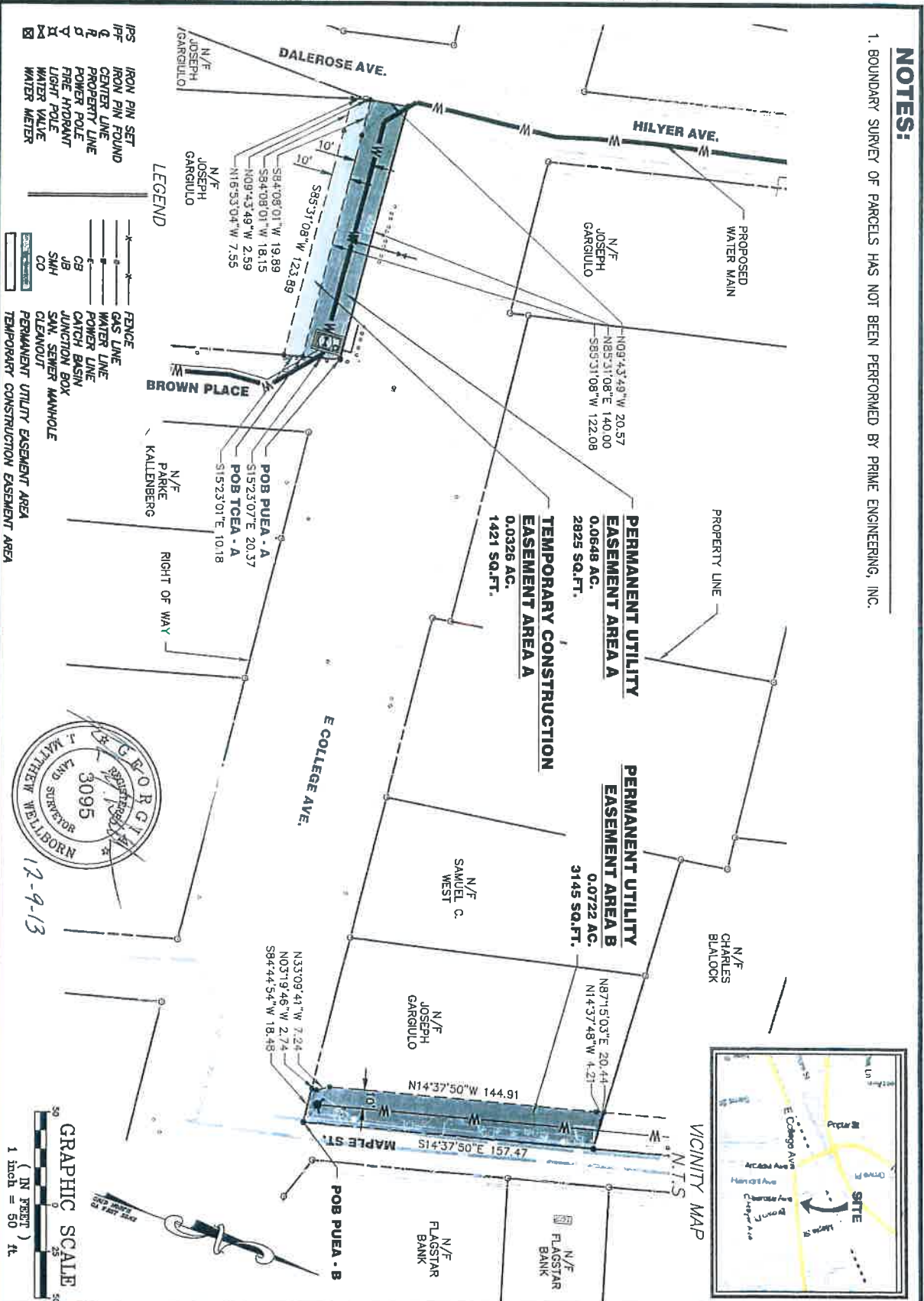
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 248 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE INTERSECTION OF THE NORTHERN RIGHT OF WAY OF EAST COLLEGE AVENUE (VARIABLE R/W) AND THE WESTERN RIGHT OF WAY OF MAPLE STREET (VARIABLE R/W), SAID POINT BEING THE POINT OF BEGINNING:

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SAID TRACT OR PARCEL CONTAINS 0.0722 ACRES/3145 SQ.FT.

NOTES:
 1. BOUNDARY SURVEY OF PARCELS HAS NOT BEEN PERFORMED BY PRIME ENGINEERING, INC.



- LEGEND**
- IPFS IRON PIN SET
 - IPF IRON PIN FOUND
 - Q CENTER LINE
 - R PROPERTY LINE
 - P POWER POLE
 - d FIRE HYDRANT
 - T LIGHT POLE
 - M WATER VALVE
 - W WATER METER
-
- FENCE
 - GAS LINE
 - WATER LINE
 - POWER LINE
 - CATCH BASIN
 - JUNCTION BOX
 - SAN. SEWER MANHOLE
 - CLEANOUT
 - PERMANENT UTILITY EASEMENT AREA
 - TEMPORARY CONSTRUCTION EASEMENT AREA



1 OF 2

**JOSEPH GARGIULO EASEMENTS FOR
 2744 MAPLE STREET & 2747 E. COLLEGE AVE.
 PREPARED FOR:
 DEKALB COUNTY WATERSHED MANAGEMENT
 LOCATED IN:
 LAND LOT 248, 15TH DISTRICT,
 DEKALB COUNTY, GA**

DRAWN BY: JDP
CHECKED BY: JMW
SCALE: 1" = 50'
DRAWING DATE: 11/18/13
PROJECT NUMBER: 2013-0027

PRIME ENGINEERING INCORPORATED
 3715 NORTHSIDE PARKWAY NW
 300 NORTHCREEK, SUITE 200
 ATLANTA, GEORGIA 30327
 404-415-7100

R:\2013-0027 dekalb-scoll blvd ph 3 waterline replacement\2 SURVEY\replacements\SBEA-6 JOSEPH GARGIULO-2 LEGAL.dwg Mon, 12/09/13 8:54 AM

LEGAL DESCRIPTION

PERMANENT UTILITY EASEMENT AREA A
(JOSEPH GARGIULO AT BROWN PLACE)

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 248 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE FROM SAID POINT OF BEGINNING AND ALONG SAID RIGHT OF WAY OF BROWN PLACE SOUTH 15 DEGREES 23 MINUTES 07 SECONDS EAST A DISTANCE OF 20.37 FEET TO A POINT, THENCE SOUTH 85 DEGREES 31 MINUTES 08 SECONDS WEST A DISTANCE OF 122.08 FEET TO A POINT ON THE EASTERN RIGHT OF WAY OF DALEROSE AVENUE (VARIABLE R/W), THENCE ALONG DALEROSE AVENUE NORTH 09 DEGREES 43 MINUTES 49 SECONDS WEST A DISTANCE OF 20.57 FEET TO A POINT ON THE SOUTHERN RIGHT OF WAY OF EAST COLLEGE AVENUE, THENCE ALONG SAID RIGHT OF WAY NORTH 85 DEGREES 31 MINUTES 08 SECONDS EAST A DISTANCE OF 140.00 FEET TO A POINT ON THE WESTERN RIGHT OF WAY OF BROWN PLACE, SAID POINT BEING THE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINS 0.0648 ACRES/2825 SQ.FT.

LEGAL DESCRIPTION

PERMANENT UTILITY EASEMENT AREA B
(JOSEPH GARGIULO AT MAPLE STREET)

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 248 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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SAID TRACT OR PARCEL CONTAINS 0.0722 ACRES/3145 SQ.FT.

LEGAL DESCRIPTION

TEMPORARY CONSTRUCTION EASEMENT AREA A
(JOSEPH GARGIULO AT BROWN PLACE)

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 248 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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SAID TRACT OR PARCEL CONTAINS 0.0326 ACRES/1421 SQ.FT.



12-9-13

**PRIME
ENGINEERING
INCORPORATED**
1715 NORTHSIDE PARKWAY NW
300 NORTHCREEK SUITE 300
ATLANTA, GEORGIA 30327
404-425-7100

DRAWN BY:	JDP
CHECKED BY:	JMW
SCALE:	N.T.S.
DRAWING DATE:	11/18/13
PROJECT NUMBER:	2013-0027

JOSEPH GARGIULO EASEMENTS FOR
2744 MAPLE STREET & 2747 E. COLLEGE AVE.
PREPARED FOR:
DEKALB COUNTY WATERSHED MANAGEMENT
LOCATED IN:
LAND LOT 248, 15TH DISTRICT,
DEKALB COUNTY, GA

APPENDIX C TO EXHIBIT A

APPRAISER'S AFFIDAVIT

APPENDIX "C" TO EXHIBIT "A"

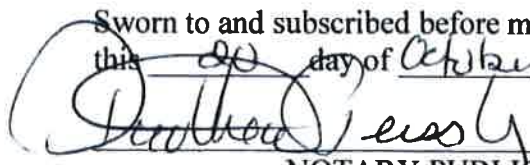
GEORGIA, DeKalb COUNTY

Personally comes Daniel Diaz, residing at 3906 Oberlin Court Tucker, Georgia, 30084, and states on oath as follows:

1. Affiant was employed by DeKalb County to appraise Parcel No. 2 of the right of way and rights required for construction of Project No. 2013-0027 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 \$ 25,000.


Daniel Diaz
APPRAISER

Sworn to and subscribed before me,
this 20 day of October, 2016.

NOTARY PUBLIC
My commission expires 4/8/18



Parcel No. 2 (2774 East College Avenue)

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 PUBLIC WATER OR SEWER SYSTEM 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. Sections 22-3-140 and 32-3-1, *et seq.* in the acquisition of certain interests in property for county water or sewer system 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. Sections 22-3-140 and 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 Charles M. Blalock, his successors or assigns. It is further resolved that payment of just and adequate compensation in the amount of nine thousand nine hundred dollars (\$9,900.00) be made to the person or persons entitled to such payment. The Chief Executive Officer, Interim 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 _____, 2017.

DEKALB COUNTY BOARD OF COMMISSIONERS:

KATHIE GANNON
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

[SIGNATURES CONTINUED ON THE FOLLOWING PAGE]

APPROVED by the Chief Executive Officer of DeKalb County this _____ day of _____, 2017.

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

APPROVED AS TO FORM:



Sarah VanVolkenburgh
Counsel for DeKalb County

R:\2013-0027 dekab-scott blvd ph 3 waterline replacement\2 SURVEY easements\SBEA-3 CHARLES BLALOCK.dwg Mon, 12/09/13 8:53 AM

NOTES:

1. BOUNDARY SURVEY OF PARCELS HAS NOT BEEN PERFORMED BY PRIME ENGINEERING, INC.

**PERMANENT UTILITY
EASEMENT AREA A**
0.0086 AC.
373 SQ.FT.

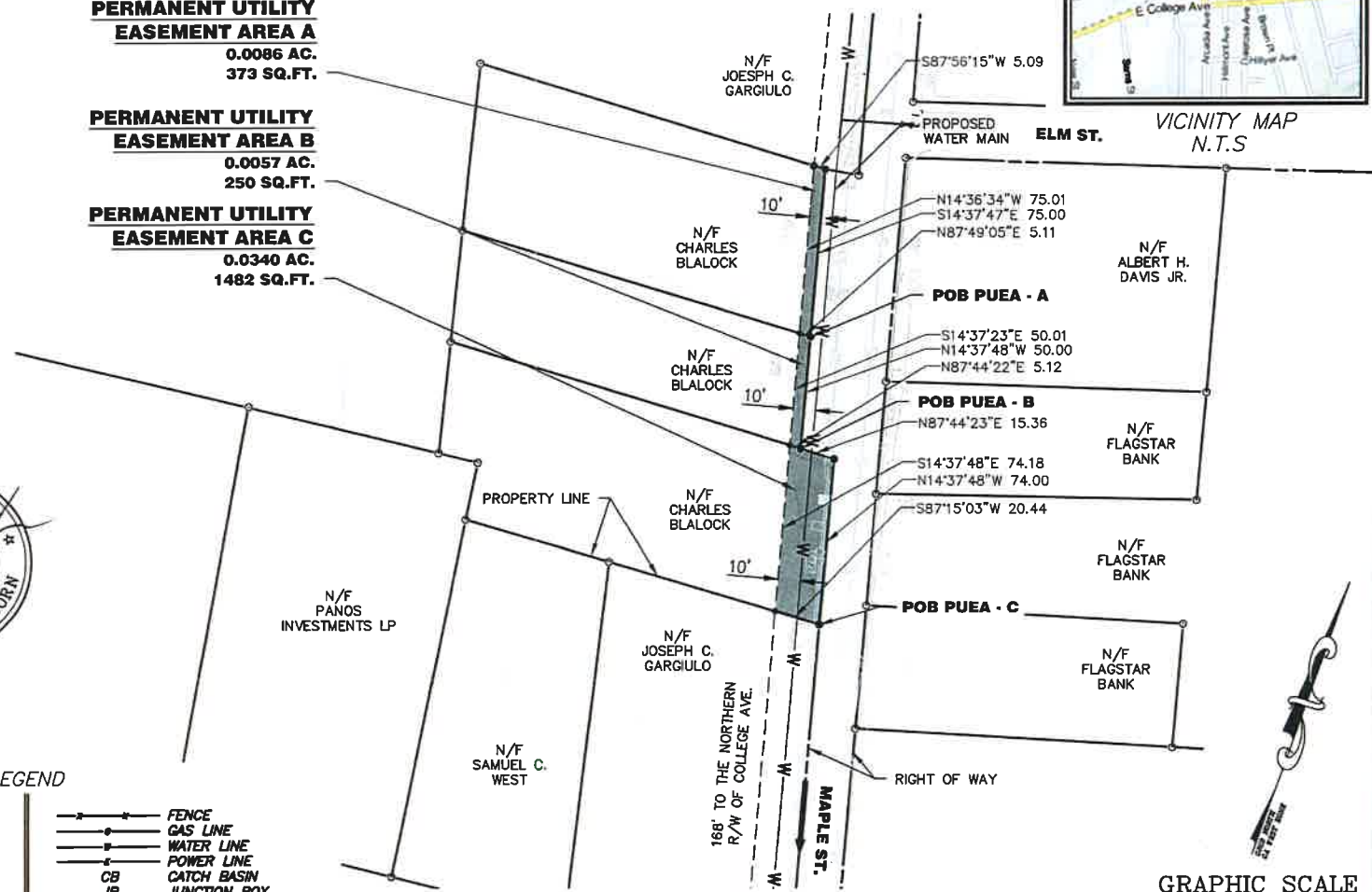
**PERMANENT UTILITY
EASEMENT AREA B**
0.0057 AC.
250 SQ.FT.

**PERMANENT UTILITY
EASEMENT AREA C**
0.0340 AC.
1482 SQ.FT.

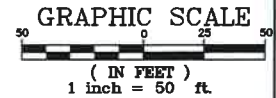


LEGEND

- | | | | |
|-----|----------------|---|--------------------------------------|
| IPS | IRON PIN SET | — | FENCE |
| IPF | IRON PIN FOUND | — | GAS LINE |
| — | CENTER LINE | — | WATER LINE |
| — | PROPERTY LINE | — | POWER LINE |
| — | POWER POLE | — | CATCH BASIN |
| — | FIRE HYDRANT | — | JUNCTION BOX |
| — | LIGHT POLE | — | SAN. SEWER MANHOLE |
| — | WATER VALVE | — | CLEANOUT |
| — | WATER METER | — | PERMANENT UTILITY EASEMENT AREA |
| | | — | TEMPORARY CONSTRUCTION EASEMENT AREA |



VICINITY MAP
N.T.S.



**PRIME
ENGINEERING**
INCORPORATED
300 NORTHCREEK SUITE 200
ATLANTA, GEORGIA 30327
404-425-7100

DRAWN BY:	JDP
CHECKED BY:	JMW
SCALE:	1" = 50'
DRAWING DATE:	11/18/13
PROJECT NUMBER:	2013-0027

CHARLES BLALOCK EASEMENTS FOR
126, 120, & 116 MAPLE STREET
PREPARED FOR:
DEKALB COUNTY WATERSHED MANAGEMENT
LOCATED IN:
LAND LOT 248, 15TH DISTRICT,
DEKALB COUNTY, GA

1 OF 2

R:\2013-0027 dekalb-scott blvd ph 3 waterline replacement\2 SURVEY\measurements\SBEA-3 CHARLES BLALOCK.dwg Mon, 12/09/13 8:53 AM

LEGAL DESCRIPTION
PERMANENT UTILITY EASEMENT AREA A
(CHARLES BLALOCK PROPERTY)

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 248 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCING AT THE INTERSECTION OF THE NORTHERN RIGHT OF WAY OF COLLEGE AVENUE (VARIABLE R/W) AND THE WESTERN RIGHT OF WAY OF MAPLE STREET (VARIABLE R/W), THENCE IN A NORTHERLY DIRECTION ALONG THE WESTERN RIGHT OF WAY OF MAPLE STREET 168 FEET TO THE SOUTHEAST CORNER OF 116 MAPLE STREET, THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 14 DEGREES 37 MINUTES 48 SECONDS WEST A DISTANCE OF 74.00 TO A POINT, THENCE SOUTH 87 DEGREES 44 MINUTES 22 SECONDS WEST A DISTANCE OF 15.36 FEET TO A POINT, THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 14 DEGREES 37 MINUTES 48 SECONDS WEST A DISTANCE OF 50.00 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING:
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 SAID TRACT OR PARCEL CONTAINS 0.0086 ACRES/373 SQ.FT.

LEGAL DESCRIPTION
PERMANENT UTILITY EASEMENT AREA B
(CHARLES BLALOCK PROPERTY)

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 248 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
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 SAID TRACT OR PARCEL CONTAINS 0.0057 ACRES/250 SQ.FT.

LEGAL DESCRIPTION
PERMANENT UTILITY EASEMENT AREA C
(CHARLES BLALOCK PROPERTY)

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 248 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCING AT THE INTERSECTION OF THE NORTHERN RIGHT OF WAY OF COLLEGE AVENUE (VARIABLE R/W) AND THE WESTERN RIGHT OF WAY OF MAPLE STREET (VARIABLE R/W), THENCE IN A NORTHERLY DIRECTION ALONG THE WESTERN RIGHT OF WAY OF MAPLE STREET 168 FEET TO THE SOUTHEAST CORNER OF 116 MAPLE STREET, SAID POINT BEING THE POINT OF BEGINNING:
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 SAID TRACT OR PARCEL CONTAINS 0.0340 ACRES/1482 SQ.FT.

PRIME ENGINEERING
 INCORPORATED
 3715 NORTHSIDE PARKWAY NW
 300 NORTHCREEK SUITE 200
 ATLANTA, GEORGIA 30327
 404-425-7100

DRAWN BY: JDP
CHECKED BY: JMW
SCALE: N.T.S.
DRAWING DATE: 11/18/13
PROJECT NUMBER: 2013-0027

CHARLES BLALOCK EASEMENTS FOR
126, 120, & 116 MAPLE STREET
PREPARED FOR:
DEKALB COUNTY WATERSHED MANAGEMENT
LOCATED IN:
LAND LOT 248, 15TH DISTRICT,
DEKALB COUNTY, GA



EXHIBIT "A"

DECLARATION OF TAKING

WHEREAS, DeKalb County, Georgia has made and passed a Resolution finding that the circumstances in connection with acquiring certain interests in property and easements for public (county) water and/or sewer 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, a certified copy/duplicate original of which is attached to this Declaration as Appendix A to Exhibit "A," and made a part hereof, under O.C.G.A. §§ 22-3-140 and 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-referred 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 \$9,900.00 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.* and O.C.G.A. § 22-3-140 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, replacing, extending, expanding, and/or installing infrastructure for a public (county) water and/or sewer purposes.

DEKALB COUNTY BOARD OF COMMISSIONERS:

KATHIE GANNON
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County this _____ day of _____, 2017.

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

APPROVED AS TO FORM:



Sarah VanVolkenburgh
Georgia Bar No. 481771
JARRARD & DAVIS, LLP
105 Pilgrim Village Drive, Suite 200
Cumming, Georgia 30040
(678) 455-7150 – telephone
(678) 455-7149 – facsimile
Attorney for Condemnor

APPENDIX A TO EXHIBIT A
RESOLUTION AND ORDER OF BOARD OF COMMISSIONERS

**ORDER OF THE DEKALB COUNTY BOARD OF COMMISSIONERS TO CONDEMN
PROPERTY FOR PURPOSES OF CONSTRUCTING AND IMPROVING A PUBLIC
WATER AND/OR SEWER SYSTEM PROJECT**

WHEREAS, the Board of Commissioners of DeKalb County has laid out and determined to construct and improve a public water and/or sewer system project for DeKalb County at that certain parcel identified for tax purposes as parcel identification number 15-248-22-007 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 (Exhibit “A” to the Petition for Condemnation).

WHEREAS, the tract of property and other rights as herein described and as 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:	1,482 Square Feet of Permanent Utility Easement
Owner:	Charles M. Blalock

NOW THEREFORE, in accordance with O.C.G.A. §§ 22-3-140 and 32-3-6(b)(6) and (c), 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 be acquired by condemnation under the provisions of O.C.G.A. §§ 22-3-140 and 32-3-1 *et seq.* for public water and/or sewer system purposes.

IT IS ORDERED that DeKalb County proceed to acquire the title, estate or interest in the lands hereinafter described in Appendix B of the Declaration of Taking (Exhibit “A” to the Petition for Condemnation) by condemnation under the provisions of said Code, and the County

Attorney 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 _____, 2017.

DEKALB COUNTY BOARD OF COMMISSIONERS:

KATHIE GANNON
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County this ____ day of _____, 2017.

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

[SIGNATURES CONTINUED ON THE FOLLOWING PAGE]

APPROVED AS TO FORM:



Sarah VanVolkenburgh

Georgia Bar No. 481771

JARRARD & DAVIS, LLP

105 Pilgrim Village Drive, Suite 200

Cumming, Georgia 30040

(678) 455-7150 – telephone

(678) 455-7149 – facsimile

Attorney for Condemnor

APPENDIX B TO EXHIBIT A
LEGAL DESCRIPTION AND PLAT

LEGAL DESCRIPTION

PERMANENT UTILITY EASEMENT AREA C

(CHARLES BLALOCK PROPERTY)

SCOTT BOULEVARD PROJECT – PARCEL 3

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 248 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

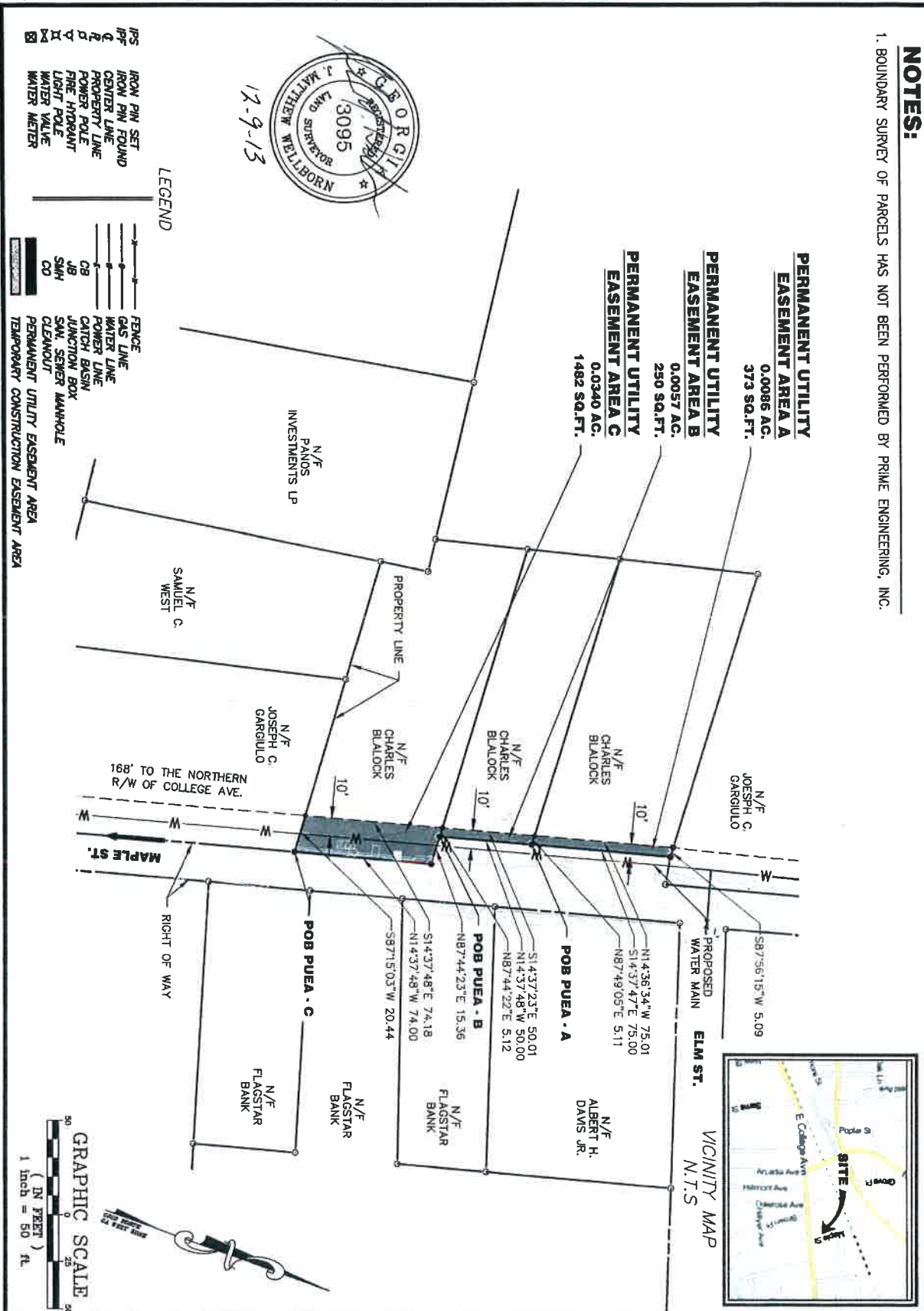
COMMENCING AT THE INTERSECTION OF THE NORTHERN RIGHT OF WAY OF COLLEGE AVENUE (VARIABLE R/W) AND THE WESTERN RIGHT OF WAY OF MAPLE STREET (VARIABLE R/W), THENCE IN A NORTHERLY DIRECTION ALONG THE WESTERN RIGHT OF WAY OF MAPLE STREET 168 FEET TO THE SOUTHEAST CORNER OF 116 MAPLE STREET, SAID POINT BEING THE POINT OF BEGINNING:

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SAID TRACT OR PARCEL CONTAINS 0.0340 ACRES/1482 SQ.FT.

NOTES:

1. BOUNDARY SURVEY OF PARCELS HAS NOT BEEN PERFORMED BY PRIME ENGINEERING, INC.



- PPS IRON PIN SET
- PPF IRON PIN FOUND
- Q CENTER LINE
- R PROPERTY LINE
- S POWER POLE
- T FIRE HYDRANT
- U LIGHT POLE
- V WATER VALVE
- W WATER METER

LEGEND

- FENCE
- GAS LINE
- WATER LINE
- POWER LINE
- CATCH BASIN
- JUNCTION BOX
- SAN. SEWER MANHOLE
- CLEANOUT
- PERMANENT UTILITY EASEMENT AREA
- TEMPORARY CONSTRUCTION EASEMENT AREA



1 OF 2

**CHARLES BLALOCK EASEMENTS FOR
126, 120, & 116 MAPLE STREET
PREPARED FOR:
DEKALB COUNTY WATERSHED MANAGEMENT
LOCATED IN:
LAND LOT 248, 15TH DISTRICT,
DEKALB COUNTY, GA**

DRAWN BY: JDP
CHECKED BY: JMW
SCALE: 1" = 50'
DRAWING DATE: 11/18/13
PROJECT NUMBER: 2013-0027

PRIME ENGINEERING INCORPORATED®
3715 NORTHSIDE PARKWAY NW
300 NORTHCREEK, SUITE 200
ATLANTA, GEORGIA 30327
404-425-7100

R:\2013-0027 dekalb-scott blvd ph 3 waterline replacement\2 SURVEY\easements\SBEA-3 CHARLES BLALOCK.dwg Mon, 12/09/13 8:53 AM

LEGAL DESCRIPTION
PERMANENT UTILITY EASEMENT AREA A
(CHARLES BLALOCK PROPERTY)

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SAID TRACT OR PARCEL CONTAINS 0.0086 ACRES/373 SQ.FT.

LEGAL DESCRIPTION
PERMANENT UTILITY EASEMENT AREA B
(CHARLES BLALOCK PROPERTY)

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SAID TRACT OR PARCEL CONTAINS 0.0057 ACRES/250 SQ.FT.

LEGAL DESCRIPTION
PERMANENT UTILITY EASEMENT AREA C
(CHARLES BLALOCK PROPERTY)

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 248 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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SAID TRACT OR PARCEL CONTAINS 0.0340 ACRES/1482 SQ.FT.



12-9-13

PRIME
ENGINEERING
INCORPORATED
1715 NORTHSIDE PARKWAY NW
300 NORTHCREEK SUITE 200
ATLANTA, GEORGIA 30327
404-423-7100

DRAWN BY:	JDP
CHECKED BY:	JMW
SCALE:	N.T.S.
DRAWING DATE:	11/18/13
PROJECT NUMBER:	2013-0027

CHARLES BLALOCK EASEMENTS FOR
126, 120, & 116 MAPLE STREET
PREPARED FOR:
DEKALB COUNTY WATERSHED MANAGEMENT
LOCATED IN:
LAND LOT 248, 15TH DISTRICT,
DEKALB COUNTY, GA

APPENDIX C TO EXHIBIT A
APPRAISER'S AFFIDAVIT

APPENDIX "C" TO EXHIBIT "A"

GEORGIA, DeKalb COUNTY

Personally comes Daniel Diaz, residing at 3906 Oberlin Court Tucker, Georgia, 30084, and states on oath as follows:

1. Affiant was employed by DeKalb County to appraise Parcel No. 3 of the right of way and rights required for construction of Project No. 2013-0027 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 \$ 9,900.

Daniel Diaz
APPRAISER

Sworn to and subscribed before me,
this 20 day of October, 2016

NOTARY PUBLIC

My commission expires 4/8/18



Parcel No. 3 (116 Maple Street)

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 PUBLIC WATER OR SEWER SYSTEM 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. Sections 22-3-140 and 32-3-1, *et seq.* in the acquisition of certain interests in property for county water or sewer system 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. Sections 22-3-140 and 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 Charles Blalock; Maple Street Collison Center, Inc.; and The Hertz Corporation d/b/a Hertz Rent A Car, their successors or assigns. It is further resolved that payment of just and adequate compensation in the amount of four thousand two hundred dollars (\$4,200.00) be made to the person or persons entitled to such payment. The Chief Executive Officer, Interim 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 _____, 2017.

DEKALB COUNTY BOARD OF COMMISSIONERS:

KATHIE GANNON
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

[SIGNATURES CONTINUED ON THE FOLLOWING PAGE]

APPROVED by the Chief Executive Officer of DeKalb County this ____ day of _____, 2017.

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

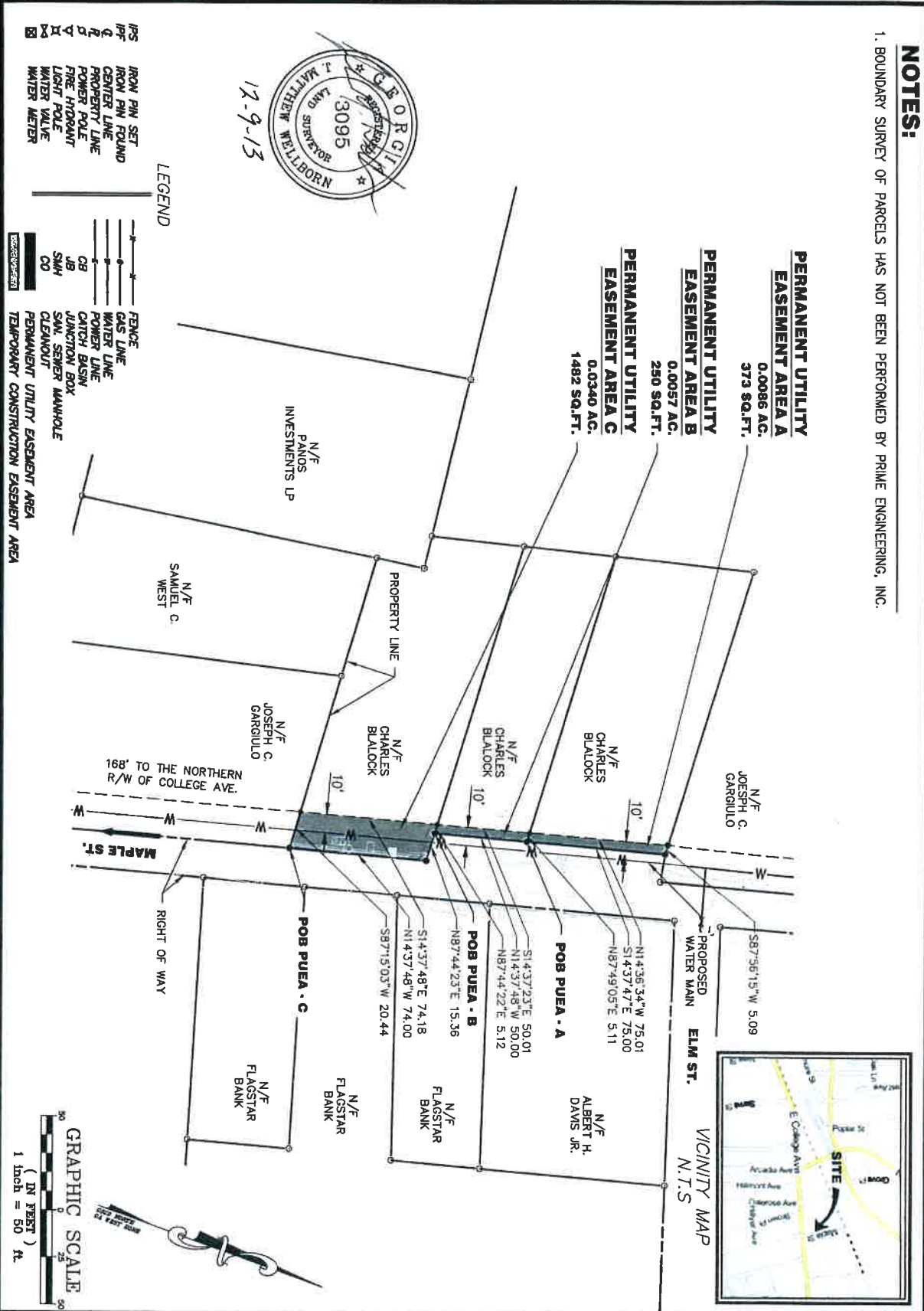
APPROVED AS TO FORM:



Sarah VanVolkenburgh
Counsel for DeKalb County

NOTES:

1. BOUNDARY SURVEY OF PARCELS HAS NOT BEEN PERFORMED BY PRIME ENGINEERING, INC.



- PPS IRON PIN SET
- PPF IRON PIN FOUND
- Q CENTER LINE
- R PROPERTY LINE
- S POWER LINE
- T FIRE HYDRANT
- U LIGHT POLE
- V WATER VALVE
- W WATER METER

- LEGEND**
- FENCE
 - GAS LINE
 - WATER LINE
 - POWER LINE
 - CATCH BASIN
 - JUNCTION BOX
 - SAW SEWER MANHOLE
 - CLEANOUT
 - PERMANENT UTILITY EASEMENT AREA
 - TEMPORARY CONSTRUCTION EASEMENT AREA



Exhibit A
Page 1 of 2

1 OF 2	<p>CHARLES BLALOCK EASEMENTS FOR 126, 120, & 116 MAPLE STREET PREPARED FOR: DEKALB COUNTY WATERSHED MANAGEMENT LOCATED IN: LAND LOT 248, 15TH DISTRICT, DEKALB COUNTY, GA</p>	<p>DRAWN BY: JDP</p> <p>CHECKED BY: JMW</p> <p>SCALE: 1" = 50'</p> <p>DRAWING DATE: 11/18/13</p> <p>PROJECT NUMBER: 2013-0027</p>	<p>PRIME ENGINEERING INCORPORATED 3715 NORTHSIDE PARKWAY NW 300 NORTHCREEK, SUITE 200 ATLANTA, GEORGIA 30327 404-425-7100</p>
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R:\2013-0027 dekab-scott blvd ph 3 watermark replacement\2 SURVEY\assessments\SBEA-3 CHARLES BLALOCK.dwg Mon, 12/09/13 8:53 AM

LEGAL DESCRIPTION
PERMANENT UTILITY EASEMENT AREA A
(CHARLES BLALOCK PROPERTY)

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 248 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHERN RIGHT OF WAY OF COLLEGE AVENUE (VARIABLE R/W) AND THE WESTERN RIGHT OF WAY OF MAPLE STREET (VARIABLE R/W), THENCE IN A NORTHERLY DIRECTION ALONG THE WESTERN RIGHT OF WAY OF MAPLE STREET 168 FEET TO THE SOUTHEAST CORNER OF 116 MAPLE STREET, THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 14 DEGREES 37 MINUTES 48 SECONDS WEST A DISTANCE OF 74.00 TO A POINT, THENCE SOUTH 87 DEGREES 44 MINUTES 22 SECONDS WEST A DISTANCE OF 15.36 FEET TO A POINT, THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 14 DEGREES 37 MINUTES 48 SECONDS WEST A DISTANCE OF 50.00 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING:

THENCE FROM SAID POINT OF BEGINNING AND LEAVING SAID RIGHT OF WAY SOUTH 87 DEGREES 49 MINUTES 05 SECONDS WEST A DISTANCE OF 5.11 FEET TO A POINT, THENCE NORTH 14 DEGREES 38 MINUTES 34 SECONDS WEST A DISTANCE OF 75.01 FEET TO A POINT, THENCE SOUTH 87 DEGREES 56 MINUTES 15 SECONDS WEST A DISTANCE OF 5.09 FEET TO A POINT ON THE WESTERN RIGHT OF WAY OF MAPLE STREET, THENCE ALONG SAID RIGHT OF WAY SOUTH 14 DEGREES 37 MINUTES 47 SECONDS EAST A DISTANCE OF 75.00 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINS 0.0086 ACRES/373 SQ.FT.

LEGAL DESCRIPTION
PERMANENT UTILITY EASEMENT AREA B
(CHARLES BLALOCK PROPERTY)

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 248 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHERN RIGHT OF WAY OF COLLEGE AVENUE (VARIABLE R/W) AND THE WESTERN RIGHT OF WAY OF MAPLE STREET (VARIABLE R/W), THENCE IN A NORTHERLY DIRECTION ALONG THE WESTERN RIGHT OF WAY OF MAPLE STREET 168 FEET TO THE SOUTHEAST CORNER OF 116 MAPLE STREET, THENCE CONTINUING ALONG RIGHT OF WAY NORTH 14 DEGREES 37 MINUTES 48 SECONDS WEST A DISTANCE OF 74.00 FEET TO A POINT, THENCE SOUTH 87 DEGREES 44 MINUTES 22 SECONDS WEST A DISTANCE OF 15.36 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING:

THENCE FROM SAID POINT OF BEGINNING AND LEAVING SAID RIGHT OF WAY SOUTH 87 DEGREES 44 MINUTES 22 SECONDS WEST A DISTANCE OF 5.12 FEET TO A POINT, THENCE NORTH 14 DEGREES 37 MINUTES 23 SECONDS WEST A DISTANCE OF 50.01 FEET TO A POINT, THENCE NORTH 87 DEGREES 49 MINUTES 05 SECONDS EAST A DISTANCE OF 5.11 FEET TO A POINT ON THE WESTERN RIGHT OF WAY OF MAPLE STREET, THENCE ALONG SAID RIGHT OF WAY SOUTH 14 DEGREES 37 MINUTES 28 SECONDS EAST A DISTANCE OF 50.00 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINS 0.0057 ACRES/250 SQ.FT.

LEGAL DESCRIPTION
PERMANENT UTILITY EASEMENT AREA C
(CHARLES BLALOCK PROPERTY)

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 248 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHERN RIGHT OF WAY OF COLLEGE AVENUE (VARIABLE R/W) AND THE WESTERN RIGHT OF WAY OF MAPLE STREET (VARIABLE R/W), THENCE IN A NORTHERLY DIRECTION ALONG THE WESTERN RIGHT OF WAY OF MAPLE STREET 168 FEET TO THE SOUTHEAST CORNER OF 116 MAPLE STREET, SAID POINT BEING THE POINT OF BEGINNING:

THENCE FROM SAID POINT OF BEGINNING AND LEAVING SAID RIGHT OF WAY SOUTH 87 DEGREES 15 MINUTES 03 SECONDS WEST A DISTANCE OF 20.44 FEET TO A POINT, THENCE RUNNING PARALLEL WITH THE WESTERN RIGHT OF WAY OF MAPLE STREET NORTH 14 DEGREES 37 MINUTES 48 SECONDS WEST A DISTANCE OF 74.18 FEET TO A POINT, THENCE NORTH 87 DEGREES 44 MINUTES 23 SECONDS EAST A DISTANCE OF 15.36 TO A POINT ON THE WESTERN RIGHT OF WAY OF MAPLE STREET, THENCE ALONG SAID RIGHT OF WAY SOUTH 14 DEGREES 37 MINUTES 48 SECONDS EAST A DISTANCE OF 74.00 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINS 0.0340 ACRES/1482 SQ.FT.



12-9-13

PRIME
ENGINEERING
INCORPORATED
3715 NORTHSIDE PARKWAY NW
300 NORTHCREEK SUITE 200
ATLANTA, GEORGIA 30327
404-425-7100

DRAWN BY: JDP
CHECKED BY: JMW
SCALE: N.T.S.
DRAWING DATE: 11/18/13
PROJECT NUMBER: 2013-0027

CHARLES BLALOCK EASEMENTS FOR
126, 120, & 116 MAPLE STREET
PREPARED FOR:
DEKALB COUNTY WATERSHED MANAGEMENT
LOCATED IN:
LAND LOT 248, 15TH DISTRICT,
DEKALB COUNTY, GA

2 OF 2

EXHIBIT "A"

DECLARATION OF TAKING

WHEREAS, DeKalb County, Georgia has made and passed a Resolution finding that the circumstances in connection with acquiring certain interests in property and easements for public (county) water and/or sewer 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, a certified copy/duplicate original of which is attached to this Declaration as Appendix A to Exhibit "A," and made a part hereof, under O.C.G.A. §§ 22-3-140 and 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-referred 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 \$4,200.00 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.* and O.C.G.A. § 22-3-140 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, replacing, extending, expanding, and/or installing infrastructure for a public (county) water and/or sewer purposes.

DEKALB COUNTY BOARD OF COMMISSIONERS:

KATHIE GANNON
Presiding Officer
Board of Commissioners
DeKalb County, Georgia


APPROVED by the Chief Executive Officer of DeKalb County this _____ day of _____, 2017.

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

APPROVED AS TO FORM:



Sarah VanVolkenburgh
Georgia Bar No. 481771
JARRARD & DAVIS, LLP
105 Pilgrim Village Drive, Suite 200
Cumming, Georgia 30040
(678) 455-7150 – telephone
(678) 455-7149 – facsimile
Attorney for Condemnor

APPENDIX A TO EXHIBIT A
RESOLUTION AND ORDER OF BOARD OF COMMISSIONERS

**ORDER OF THE DEKALB COUNTY BOARD OF COMMISSIONERS TO CONDEMN
PROPERTY FOR PURPOSES OF CONSTRUCTING AND IMPROVING A PUBLIC
WATER AND/OR SEWER SYSTEM PROJECT**

WHEREAS, the Board of Commissioners of DeKalb County has laid out and determined to construct and improve a public water and/or sewer system project for DeKalb County at that certain parcel identified for tax purposes as parcel identification numbers 15-248-22-008 and 15-248-22-009 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 (Exhibit “A” to the Petition for Condemnation).

WHEREAS, the tract of property and other rights as herein described and as 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:	623 Square Feet of Permanent Utility Easement
Owner:	Charles Blalock
Potentially Interested Parties:	Maple Street Collison Center, Inc.; The Hertz Corporation d/b/a Hertz Rent A Car

NOW THEREFORE, in accordance with O.C.G.A. §§ 22-3-140 and 32-3-6(b)(6) and (c), 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 be acquired by condemnation under the provisions of O.C.G.A. §§ 22-3-140 and 32-3-1 *et seq.* for public water and/or sewer system purposes.

IT IS ORDERED that DeKalb County proceed to acquire the title, estate or interest in the lands hereinafter described in Appendix B of the Declaration of Taking (Exhibit “A” to the Scott Boulevard – parcels 4 & 5
Page 1 of 3

Petition for Condemnation) by condemnation under the provisions of said Code, and the County Attorney 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 _____, 2017.

DEKALB COUNTY BOARD OF COMMISSIONERS:

KATHIE GANNON
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County this _____ day of _____, 2017.

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

[SIGNATURES CONTINUED ON THE FOLLOWING PAGE]

APPROVED AS TO FORM:



Sarah VanVolkenburgh

Georgia Bar No. 481771

JARRARD & DAVIS, LLP

105 Pilgrim Village Drive, Suite 200

Cumming, Georgia 30040

(678) 455-7150 – telephone

(678) 455-7149 – facsimile

Attorney for Condemnor

APPENDIX B TO EXHIBIT A
LEGAL DESCRIPTION AND PLAT

LEGAL DESCRIPTION

PERMANENT UTILITY EASEMENT AREA A

(CHARLES BLALOCK PROPERTY)

SCOTT BOULEVARD PROJECT – PARCEL 5

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 248 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHERN RIGHT OF WAY OF COLLEGE AVENUE (VARIABLE R/W) AND THE WESTERN RIGHT OF WAY OF MAPLE STREET (VARIABLE R/W), THENCE IN A NORTHERLY DIRECTION ALONG THE WESTERN RIGHT OF WAY OF MAPLE STREET 168 FEET TO THE SOUTHEAST CORNER OF 116 MAPLE STREET, THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 14 DEGREES 37 MINUTES 48 SECONDS WEST A DISTANCE OF 74.00 TO A POINT, THENCE SOUTH 87 DEGREES 44 MINUTES 22 SECONDS WEST A DISTANCE OF 15.36 FEET TO A POINT, THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 14 DEGREES 37 MINUTES 48 SECONDS WEST A DISTANCE OF 50.00 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING:

THENCE FROM SAID POINT OF BEGINNING AND LEAVING SAID RIGHT OF WAY SOUTH 87 DEGREES 49 MINUTES 05 SECONDS WEST A DISTANCE OF 5.11 FEET TO A POINT, THENCE NORTH 14 DEGREES 36 MINUTES 34 SECONDS WEST A DISTANCE OF 75.01 FEET TO A POINT, THENCE NORTH 87 DEGREES 56 MINUTES 15 SECONDS EAST A DISTANCE OF 5.09 FEET TO A POINT ON THE WESTERN RIGHT OF WAY OF MAPLE STREET, THENCE ALONG SAID RIGHT OF WAY SOUTH 14 DEGREES 37 MINUTES 47 SECONDS EAST A DISTANCE OF 75.00 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINS 0.0086 ACRES/373 SQ.FT.

LEGAL DESCRIPTION

PERMANENT UTILITY EASEMENT AREA B

(CHARLES BLALOCK PROPERTY)

SCOTT BOULEVARD PROJECT – PARCEL 4

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 248 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHERN RIGHT OF WAY OF COLLEGE AVENUE (VARIABLE R/W) AND THE WESTERN RIGHT OF WAY OF MAPLE STREET (VARIABLE R/W), THENCE IN A NORTHERLY DIRECTION ALONG THE WESTERN RIGHT OF WAY OF MAPLE STREET 168 FEET TO THE SOUTHEAST CORNER OF 116 MAPLE STREET, THENCE CONTINUING ALONG RIGHT OF WAY NORTH 14 DEGREES 37 MINUTES 48 SECONDS WEST A DISTANCE OF 74.00 FEET TO A POINT, THENCE SOUTH 87 DEGREES 44 MINUTES 22 SECONDS WEST A DISTANCE OF XX.XX FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING:

THENCE FROM SAID POINT OF BEGINNING AND LEAVING SAID RIGHT OF WAY SOUTH 87 DEGREES 44 MINUTES 22 SECONDS WEST A DISTANCE OF 5.12 FEET TO A POINT, THENCE NORTH 14 DEGREES 37 MINUTES 48 SECONDS WEST A DISTANCE OF 50.00 FEET TO A POINT, THENCE NORTH 87 DEGREES 49 MINUTES 05 SECONDS EAST A DISTANCE OF 5.11 FEET TO A POINT ON THE WESTERN RIGHT OF WAY OF MAPLE STREET, THENCE ALONG SAID RIGHT OF WAY SOUTH 14 DEGREES 37 MINUTES 23 SECONDS EAST A DISTANCE OF 50.01 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINS 0.0057 ACRES/250 SQ.FT.

R:\2013-0027 dekalb-scott blvd ph 3 waterline replacement\2 SURVEY\easements\SBEA--3 CHARLES BLALOCK.dwg Mon, 12/09/13 8:53 AM

NOTES:

1. BOUNDARY SURVEY OF PARCELS HAS NOT BEEN PERFORMED BY PRIME ENGINEERING, INC.

**PERMANENT UTILITY
EASEMENT AREA A**
0.0086 AC.
373 SQ.FT.

**PERMANENT UTILITY
EASEMENT AREA B**
0.0057 AC.
250 SQ.FT.

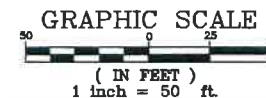
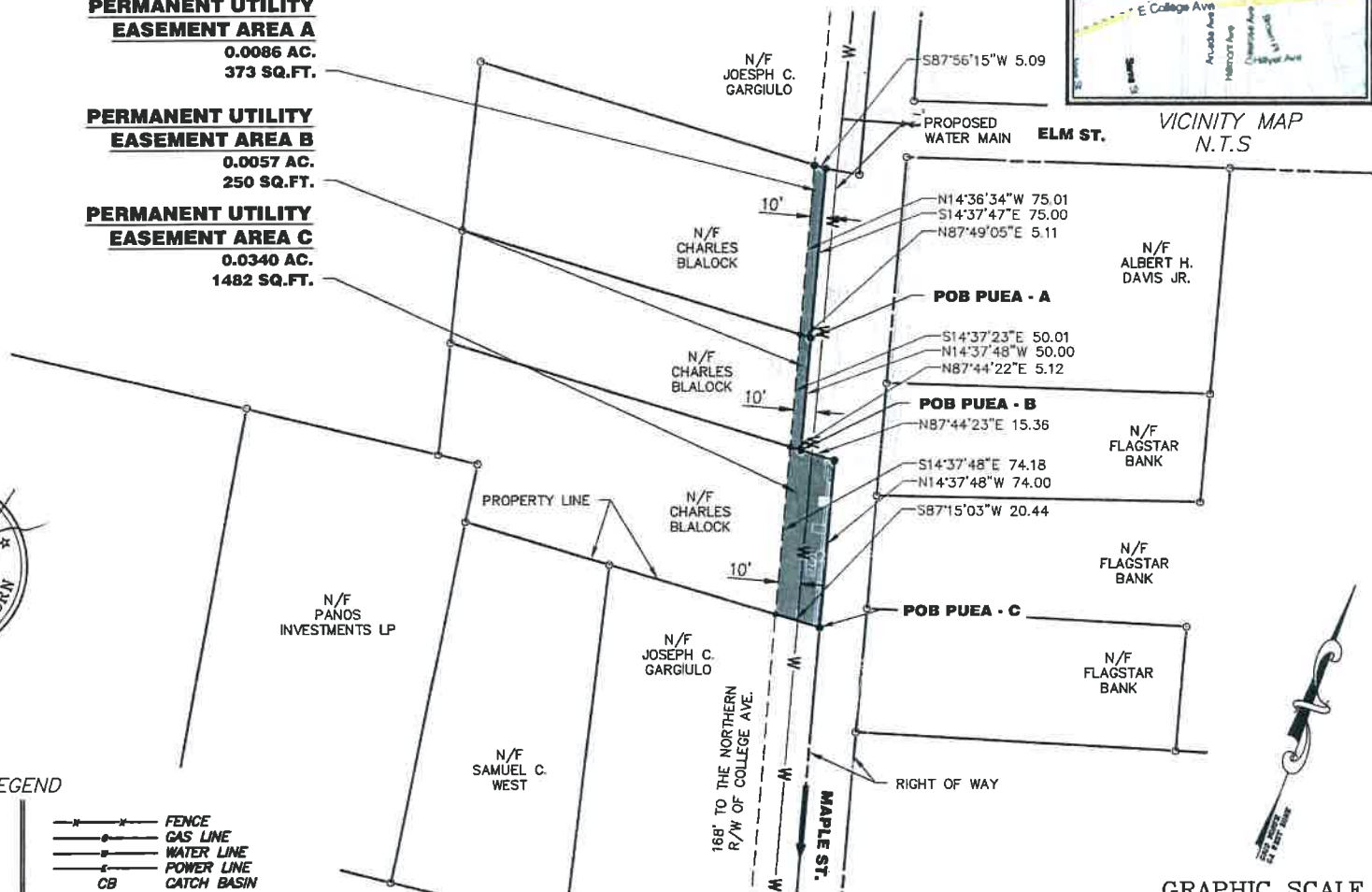
**PERMANENT UTILITY
EASEMENT AREA C**
0.0340 AC.
1482 SQ.FT.



12-9-13

LEGEND

- | | | | |
|-----|----------------|-----|--------------------------------------|
| IPS | IRON PIN SET | --- | FENCE |
| IPF | IRON PIN FOUND | --- | GAS LINE |
| --- | CENTER LINE | --- | WATER LINE |
| --- | PROPERTY LINE | --- | POWER LINE |
| --- | POWER POLE | CB | CATCH BASIN |
| --- | FIRE HYDRANT | JB | JUNCTION BOX |
| --- | LIGHT POLE | SMH | SAN. SEWER MANHOLE |
| --- | WATER VALVE | CO | CLEANOUT |
| --- | WATER METER | --- | PERMANENT UTILITY EASEMENT AREA |
| | | --- | TEMPORARY CONSTRUCTION EASEMENT AREA |



**PRIME
ENGINEERING
INCORPORATED**
3715 NORTHSIDE PARKWAY NW
300 NORTHCREEK SUITE 200
ATLANTA, GEORGIA 30327
404-423-7100

DRAWN BY: JDP
CHECKED BY: JMW
SCALE: 1" = 50'
DRAWING DATE: 11/18/13
PROJECT NUMBER: 2013-0027

**CHARLES BLALOCK EASEMENTS FOR
126, 120, & 116 MAPLE STREET
PREPARED FOR:
DEKALB COUNTY WATERSHED MANAGEMENT
LOCATED IN:
LAND LOT 248, 15TH DISTRICT,
DEKALB COUNTY, GA**

R:\2013-0027 dekalb-scott blvd ph 3. waterline replacement\2. SURVEY\measurements\SEEA-3 CHARLES BLALOCK.dwg Mon, 12/09/13 8:53 AM

LEGAL DESCRIPTION
PERMANENT UTILITY EASEMENT AREA A
(CHARLES BLALOCK PROPERTY)

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SAID TRACT OR PARCEL CONTAINS 0.0086 ACRES/373 SQ.FT.

LEGAL DESCRIPTION
PERMANENT UTILITY EASEMENT AREA B
(CHARLES BLALOCK PROPERTY)

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SAID TRACT OR PARCEL CONTAINS 0.0057 ACRES/250 SQ.FT.

LEGAL DESCRIPTION
PERMANENT UTILITY EASEMENT AREA C
(CHARLES BLALOCK PROPERTY)

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THENCE FROM SAID POINT OF BEGINNING AND LEAVING SAID RIGHT OF WAY SOUTH 87 DEGREES 15 MINUTES 03 SECONDS WEST A DISTANCE OF 20.44 FEET TO A POINT, THENCE RUNNING PARALLEL WITH THE WESTERN RIGHT OF WAY OF MAPLE STREET NORTH 14 DEGREES 37 MINUTES 48 SECONDS WEST A DISTANCE OF 74.18 FEET TO A POINT, THENCE NORTH 87 DEGREES 44 MINUTES 23 SECONDS EAST A DISTANCE OF 15.36 TO A POINT ON THE WESTERN RIGHT OF WAY OF MAPLE STREET, THENCE ALONG SAID RIGHT OF WAY SOUTH 14 DEGREES 37 MINUTES 48 SECONDS EAST A DISTANCE OF 74.00 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINS 0.0340 ACRES/1482 SQ.FT.



12-9-13

PRIME
ENGINEERING
INCORPORATED
3715 NORTHERSIDE PARKWAY NW
300 NORTHCREST SUITE 200
ATLANTA, GEORGIA 30127
404-425-7100

DRAWN BY:	JDP
CHECKED BY:	JMW
SCALE:	N.T.S.
DRAWING DATE:	11/18/13
PROJECT NUMBER:	2013-0027

CHARLES BLALOCK EASEMENTS FOR
126, 120, & 116 MAPLE STREET
PREPARED FOR:
DEKALB COUNTY WATERSHED MANAGEMENT
LOCATED IN:
LAND LOT 248, 15TH DISTRICT,
DEKALB COUNTY, GA

APPENDIX C TO EXHIBIT A
APPRAISER'S AFFIDAVIT

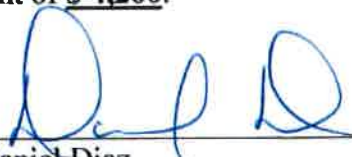
APPENDIX "C" TO EXHIBIT "A"

GEORGIA, DeKalb COUNTY

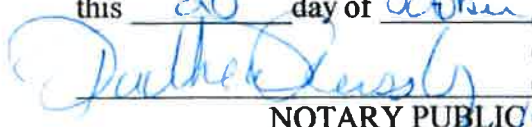
Personally comes Daniel Diaz, residing at 3906 Oberlin Court Tucker, Georgia, 30084, and states on oath as follows:

1. Affiant was employed by DeKalb County to appraise Parcel No. 4/5 of the right of way and rights required for construction of Project No. 2013-0027 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 \$ 4,200.


Daniel Diaz
APPRAISER

Sworn to and subscribed before me,
this 20 day of October, 2013


NOTARY PUBLIC

DOROTHEA A PRESSLEY
Notary Public
Gwinnett County
State of Georgia
My Commission Expires Apr 8, 2018

My commission expires 4/8/18

Parcel No. 4/5 (120 - 126 Maple Street)

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 PUBLIC WATER OR SEWER SYSTEM 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. Sections 22-3-140 and 32-3-1, *et seq.* in the acquisition of certain interests in property for county water or sewer system 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. Sections 22-3-140 and 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 Joseph C. Gargiulo and Synovus Bank, as successor by merger to Bank of North Georgia, their successors or assigns. It is further resolved that payment of just and adequate compensation in the amount of seventeen thousand six hundred fifty dollars (\$17,650.00) be made to the person or persons entitled to such payment. The Chief Executive Officer, Interim 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 _____, 2017.

DEKALB COUNTY BOARD OF COMMISSIONERS:

KATHIE GANNON
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

[SIGNATURES CONTINUED ON THE FOLLOWING PAGE]

APPROVED by the Chief Executive Officer of DeKalb County this ____ day of _____, 2017.

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

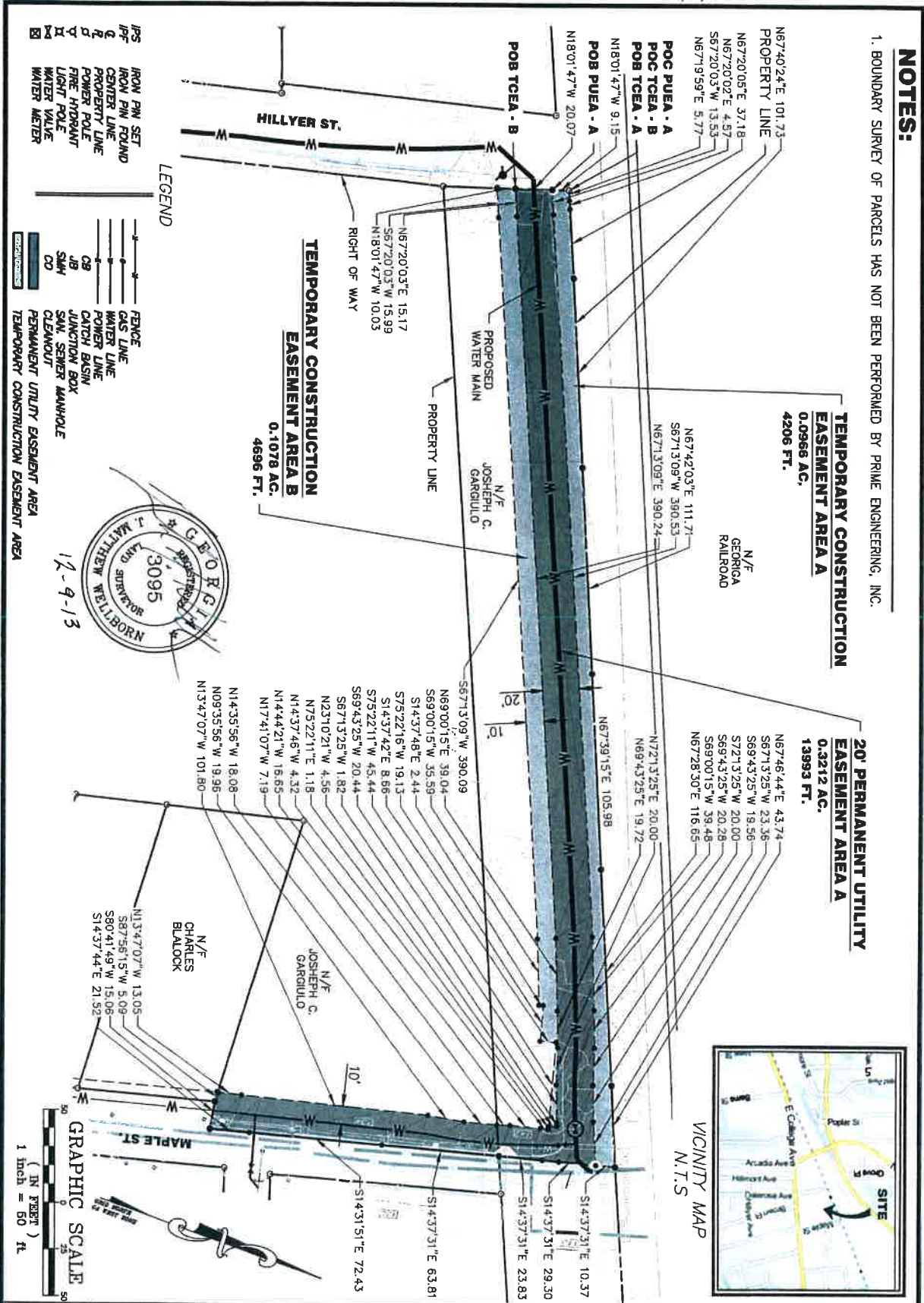
APPROVED AS TO FORM:



Sarah VanVolkenburgh
Counsel for DeKalb County

NOTES:

1. BOUNDARY SURVEY OF PARCELS HAS NOT BEEN PERFORMED BY PRIME ENGINEERING, INC.



- LEGEND**
- IRON PIN SET
 - IRON PIN FOUND
 - CENTER LINE
 - PROPERTY LINE
 - POWER POLE
 - FIRE HYDRANT
 - LIGHT POLE
 - WATER VALVE
 - WATER METER
-
- FENCE
 - GAS LINE
 - WATER LINE
 - POWER LINE
 - CATCH BASIN
 - JUNCTION BOX
 - S.W. SEWER MANHOLE
 - CLEANOUT
 - PERMANENT UTILITY EASEMENT AREA
 - TEMPORARY CONSTRUCTION EASEMENT AREA



12-9-13

<p>1 OF 2</p>	<p>JOSEPH GARGIULO EASEMENTS FOR 142 & 134 MAPLE STREET PREPARED FOR DEKALB COUNTY WATERSHED MANAGEMENT LOCATED IN LAND LOT 248, 15TH DISTRICT, DEKALB COUNTY, GA</p>	<p>DRAWN BY: JDP</p> <p>CHECKED BY: JMW</p> <p>SCALE: 1" = 50'</p> <p>DRAWING DATE: 11/18/13</p> <p>PROJECT NUMBER: 2013-0027</p>	<p>PRIME ENGINEERING INCORPORATED</p> <p>3715 NORTHSIDE PARKWAY NW 300 NORTHCREEK, SUITE 200 ATLANTA, GEORGIA 30327 404-425-7100</p>
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R:\2013--0027 dekalb--scott blvd ph 3 waterline replacement\2 SURVEY\Easements\SEBAE-1 JOSEPH GARGULO-1.DWG Mon, 12/09/13 8:52 AM

**LEGAL DESCRIPTION
PERMANENT UTILITY EASEMENT
(JOSEPH GARGULO PROPERTY)**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 248 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT A POINT LOCATED AT THE INTERSECTION OF THE EASTERN RIGHT OF WAY OF HILLYER STREET (VARIABLE R/W) AND THE SOUTHERN RIGHT OF WAY OF THE GEORGIA RAILROAD (VARIABLE R/W), THENCE ALONG THE RIGHT OF WAY OF HILLYER STREET SOUTH 18 DEGREES 01 MINUTES 47 SECONDS EAST A DISTANCE OF 9.15 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING NORTH 67 DEGREES 20 MINUTES 03 SECONDS EAST A DISTANCE OF 13.53 FEET TO A POINT, THENCE NORTH 67 DEGREES 13 MINUTES 09 SECONDS EAST A DISTANCE OF 390.53 FEET TO A POINT, THENCE NORTH 69 DEGREES 00 MINUTES 15 SECONDS EAST A DISTANCE OF 39.48 FEET TO A POINT, THENCE NORTH 69 DEGREES 43 MINUTES 25 SECONDS EAST A DISTANCE OF 20.28 FEET TO A POINT, THENCE NORTH 72 DEGREES 13 MINUTES 25 SECONDS EAST A DISTANCE OF 20.00 FEET TO A POINT, THENCE NORTH 69 DEGREES 43 MINUTES 25 SECONDS EAST A DISTANCE OF 19.56 FEET TO A POINT, THENCE NORTH 67 DEGREES 13 MINUTES 25 SECONDS EAST A DISTANCE OF 23.36 FEET TO A POINT ON THE WESTERN RIGHT OF WAY OF MAPLE STREET (VARIABLE R/W), THENCE ALONG SAID RIGHT OF WAY OF MAPLE STREET SOUTH 14 DEGREES 37 MINUTES 31 SECONDS EAST A DISTANCE OF 29.30 FEET TO A POINT, THENCE SOUTH 14 DEGREES 37 MINUTES 31 SECONDS EAST A DISTANCE OF 23.83 FEET TO A POINT, THENCE SOUTH 14 DEGREES 37 MINUTES 31 SECONDS EAST A DISTANCE OF 63.81 FEET TO A POINT, THENCE SOUTH 14 DEGREES 31 MINUTES 51 SECONDS EAST A DISTANCE OF 72.43 FEET TO A POINT, THENCE SOUTH 14 DEGREES 37 MINUTES 44 SECONDS EAST A DISTANCE OF 21.52 FEET TO A POINT, THENCE LEAVING SAID RIGHT OF WAY SOUTH 80 DEGREES 41 MINUTES 49 SECONDS WEST A DISTANCE OF 15.06 FEET TO A POINT, THENCE SOUTH 87 DEGREES 56 MINUTES 15 SECONDS WEST A DISTANCE OF 5.09 FEET TO A POINT, THENCE NORTH 13 DEGREES 47 MINUTES 07 SECONDS WEST A DISTANCE OF 13.05 FEET TO A POINT, THENCE NORTH 13 DEGREES 47 MINUTES 07 SECONDS WEST A DISTANCE OF 101.80 FEET TO A POINT, THENCE NORTH 09 DEGREES 35 MINUTES 56 SECONDS WEST A DISTANCE OF 19.96 FEET TO A POINT, THENCE NORTH 14 DEGREES 35 MINUTES 56 SECONDS WEST A DISTANCE OF 18.08 FEET TO A POINT, THENCE NORTH 17 DEGREES 41 MINUTES 7 SECONDS EAST A DISTANCE OF 7.19 FEET TO A POINT, THENCE NORTH 14 DEGREES 44 MINUTES 21 SECONDS WEST A DISTANCE OF 18.85 FEET TO A POINT, THENCE NORTH 14 DEGREES 37 MINUTES 46 SECONDS WEST A DISTANCE OF 4.32 FEET TO A POINT, THENCE NORTH 75 DEGREES 22 MINUTES 11 SECONDS EAST A DISTANCE OF 1.18 FEET TO A POINT, THENCE NORTH 23 DEGREES 10 MINUTES 21 SECONDS WEST A DISTANCE OF 4.56 FEET TO A POINT, THENCE SOUTH 67 DEGREES 13 MINUTES 25 SECONDS WEST A DISTANCE OF 1.82 FEET TO A POINT, THENCE SOUTH 69 DEGREES 43 MINUTES 25 SECONDS WEST A DISTANCE OF 20.44 FEET TO A POINT, THENCE SOUTH 72 DEGREES 13 MINUTES 25 SECONDS WEST A DISTANCE OF 20.00 FEET TO A POINT, THENCE SOUTH 69 DEGREES 43 MINUTES 25 SECONDS WEST A DISTANCE OF 19.72 FEET TO A POINT, THENCE SOUTH 69 DEGREES 00 MINUTES 15 SECONDS WEST A DISTANCE OF 39.04 FEET TO A POINT, THENCE SOUTH 67 DEGREES 13 MINUTES 09 SECONDS WEST A DISTANCE OF 390.24 FEET TO A POINT, THENCE SOUTH 67 DEGREES 20 MINUTES 03 SECONDS WEST A DISTANCE OF 15.17 FEET TO A POINT ON THE EASTERN RIGHT OF WAY OF HILLYER STREET, THENCE ALONG SAID RIGHT OF WAY NORTH 18 DEGREES 01 MINUTES 47 SECONDS WEST A DISTANCE OF 20.07 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINS 0.3212 ACRES/13,993 SQ.FT.

**LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT A
(JOSEPH GARGULO PROPERTY)**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 248 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT LOCATED AT THE INTERSECTION OF THE EASTERN RIGHT OF WAY OF HILLYER STREET (VARIABLE R/W) AND THE SOUTHERN RIGHT OF WAY OF THE GEORGIA RAILROAD (VARIABLE R/W), SAID POINT BEING THE POINT OF BEGINNING. FROM SAID POINT OF BEGINNING AND ALONG THE SOUTHERN RIGHT OF WAY OF THE GEORGIA RAILROAD NORTH 67 DEGREES 19 MINUTES 59 SECONDS EAST A DISTANCE OF 5.77 FEET TO A POINT, THENCE NORTH 67 DEGREES 20 MINUTES 02 SECONDS EAST A DISTANCE OF 4.57 FEET TO A POINT, THENCE NORTH 67 DEGREES 20 MINUTES 05 SECONDS EAST A DISTANCE OF 37.18 FEET TO A POINT, THENCE NORTH 67 DEGREES 40 MINUTES 24 SECONDS EAST A DISTANCE OF 101.73 FEET TO A POINT, THENCE NORTH 67 DEGREES 42 MINUTES 03 SECONDS EAST A DISTANCE OF 111.71 FEET TO A POINT, THENCE NORTH 67 DEGREES 39 MINUTES 15 SECONDS EAST A DISTANCE OF 105.98 FEET TO A POINT, THENCE NORTH 67 DEGREES 28 MINUTES 30 SECONDS EAST A DISTANCE OF 118.65 FEET TO A POINT, THENCE NORTH 67 DEGREES 46 MINUTES 44 SECONDS EAST A DISTANCE OF 43.74 FEET TO A POINT ON THE WESTERN RIGHT OF WAY OF MAPLE STREET (VARIABLE R/W), THENCE LEAVING SAID RIGHT OF WAY OF THE GEORGIA RAILROAD AND ALONG THE WESTERN RIGHT OF WAY OF MAPLE STREET SOUTH 14 DEGREES 37 MINUTES 31 SECONDS EAST A DISTANCE OF 10.37 FEET TO A POINT, THENCE LEAVING SAID RIGHT OF WAY OF MAPLE STREET SOUTH 67 DEGREES 13 MINUTES 25 SECONDS WEST A DISTANCE OF 23.36 FEET TO A POINT, THENCE SOUTH 69 DEGREES 43 MINUTES 25 SECONDS WEST A DISTANCE OF 19.56 FEET TO A POINT, THENCE SOUTH 72 DEGREES 13 MINUTES 25 SECONDS WEST A DISTANCE OF 20.00 FEET TO A POINT, THENCE SOUTH 69 DEGREES 43 MINUTES 25 SECONDS WEST A DISTANCE OF 20.28 FEET TO A POINT, THENCE SOUTH 69 DEGREES 00 MINUTES 15 SECONDS WEST A DISTANCE OF 39.48 FEET TO A POINT, THENCE SOUTH 67 DEGREES 13 MINUTES 09 SECONDS WEST A DISTANCE OF 390.53 FEET TO A POINT, THENCE SOUTH 67 DEGREES 20 MINUTES 03 SECONDS WEST A DISTANCE OF 13.53 FEET TO A POINT ON THE EASTERN RIGHT OF WAY OF HILLYER STREET (VARIABLE R/W), THENCE ALONG SAID RIGHT OF WAY NORTH 18 DEGREES 01 MINUTES 47 SECONDS WEST A DISTANCE OF 9.15 FEET TO A POINT LOCATED AT THE INTERSECTION OF THE EASTERN RIGHT OF WAY OF HILLYER STREET (VARIABLE R/W) AND THE SOUTHERN RIGHT OF WAY OF THE GEORGIA RAILROAD (VARIABLE R/W), SAID POINT BEING THE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINS 0.0966 ACRES/4,206 SQ.FT.

**LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT AREA B
(JOSEPH GARGULO PROPERTY)**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 248 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT A POINT LOCATED AT THE INTERSECTION OF THE EASTERN RIGHT OF WAY OF HILLYER STREET (VARIABLE R/W) AND THE SOUTHERN RIGHT OF WAY OF THE GEORGIA RAILROAD (VARIABLE R/W), THENCE ALONG THE RIGHT OF WAY OF HILLYER STREET SOUTH 18 DEGREES 01 MINUTES 47 SECONDS EAST A DISTANCE OF 9.15 FEET TO A POINT, THENCE SOUTH 18 DEGREES 01 MINUTES 47 SECONDS EAST 20.07 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING NORTH 67 DEGREES 20 MINUTES 03 SECONDS EAST A DISTANCE OF 15.17 FEET TO A POINT, THENCE NORTH 67 DEGREES 13 MINUTES 09 SECONDS EAST A DISTANCE OF 390.24 FEET TO A POINT, THENCE NORTH 69 DEGREES 00 MINUTES 15 SECONDS EAST A DISTANCE OF 39.04 FEET TO A POINT, THENCE NORTH 69 DEGREES 43 MINUTES 25 SECONDS EAST A DISTANCE OF 19.72 FEET TO A POINT, THENCE NORTH 72 DEGREES 13 MINUTES 25 SECONDS EAST A DISTANCE OF 20.00 FEET TO A POINT, THENCE NORTH 69 DEGREES 43 MINUTES 25 SECONDS EAST A DISTANCE OF 20.44 FEET TO A POINT, THENCE NORTH 67 DEGREES 13 MINUTES 25 SECONDS EAST A DISTANCE OF 1.82 FEET TO A POINT, THENCE SOUTH 23 DEGREES 10 MINUTES 21 SECONDS EAST A DISTANCE OF 4.56 FEET TO A POINT, THENCE SOUTH 75 DEGREES 22 MINUTES 11 SECONDS WEST A DISTANCE OF 1.18 FEET TO A POINT, THENCE SOUTH 75 DEGREES 22 MINUTES 11 SECONDS WEST A DISTANCE OF 45.44 FEET TO A POINT, THENCE SOUTH 14 DEGREES 37 MINUTES 42 SECONDS EAST A DISTANCE OF 8.66 FEET TO A POINT, THENCE SOUTH 75 DEGREES 22 MINUTES 16 SECONDS WEST A DISTANCE OF 19.13 FEET TO A POINT, THENCE SOUTH 14 DEGREES 37 MINUTES 48 SECONDS EAST A DISTANCE OF 2.44 FEET TO A POINT, THENCE SOUTH 69 DEGREES 00 MINUTES 15 SECONDS WEST A DISTANCE OF 35.59 FEET TO A POINT, THENCE SOUTH 67 DEGREES 13 MINUTES 09 SECONDS WEST A DISTANCE OF 390.09 FEET TO A POINT, THENCE SOUTH 67 DEGREES 20 MINUTES 03 SECONDS WEST A DISTANCE OF 15.99 FEET TO A POINT ON THE EASTERN RIGHT OF WAY OF HILLYER STREET, THENCE ALONG SAID RIGHT OF WAY NORTH 18 DEGREES 01 MINUTES 47 SECONDS WEST A DISTANCE OF 10.03 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING.
SAID TRACT OR PARCEL CONTAINS 0.1078 ACRES/4,696 SQ.FT.



**PRIME
ENGINEERING**
INCORPORATED
1715 NORTHSIDE PARKWAY NW
300 NORTH CREEK SUITE 400
ATLANTA, GEORGIA 30327
404-425-7100

DRAWN BY:	JDP
CHECKED BY:	JMW
SCALE:	N.T.S.
DRAWING DATE:	11/18/13
PROJECT NUMBER:	2013-0027

**JOSHEPH GARGULO EASEMENTS FOR
142 AND 134 MAPLE STREET
PREPARED FOR
DEKALB COUNTY WATERSHED MANAGEMENT
LOCATED IN
LAND LOT 248, 15TH DISTRICT,
DEKALB COUNTY, GA**

2 OF 2

EXHIBIT "A"

DECLARATION OF TAKING

WHEREAS, DeKalb County, Georgia has made and passed a Resolution finding that the circumstances in connection with acquiring certain interests in property and easements for public (county) water and/or sewer 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, a certified copy/duplicate original of which is attached to this Declaration as Appendix A to Exhibit "A," and made a part hereof, under O.C.G.A. §§ 22-3-140 and 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-referred 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 \$17,650.00 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.* and O.C.G.A. § 22-3-140 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, replacing, extending, expanding, and/or installing infrastructure for a public (county) water and/or sewer purposes.

DEKALB COUNTY BOARD OF COMMISSIONERS:

KATHIE GANNON
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

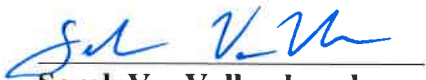
APPROVED by the Chief Executive Officer of DeKalb County this _____ day of _____, 2017.

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

APPROVED AS TO FORM:



Sarah VanVolkenburgh
Georgia Bar No. 481771
JARRARD & DAVIS, LLP
105 Pilgrim Village Drive, Suite 200
Cumming, Georgia 30040
(678) 455-7150 – telephone
(678) 455-7149 – facsimile
Attorney for Condemnor

APPENDIX A TO EXHIBIT A
RESOLUTION AND ORDER OF BOARD OF COMMISSIONERS

**ORDER OF THE DEKALB COUNTY BOARD OF COMMISSIONERS TO CONDEMN
PROPERTY FOR PURPOSES OF CONSTRUCTING AND IMPROVING A PUBLIC
WATER AND/OR SEWER SYSTEM PROJECT**

WHEREAS, the Board of Commissioners of DeKalb County has laid out and determined to construct and improve a public water and/or sewer system project for DeKalb County at that certain parcel identified for tax purposes as parcel identification number 15-248-22-001 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 (Exhibit “A” to the Petition for Condemnation).

WHEREAS, the tract of property and other rights as herein described and as 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:	2,903 Square Feet of Permanent Utility Easement
Owner:	Joseph C. Gargiulo; Synovus Bank, as successor by merger to Bank of North Georgia

NOW THEREFORE, in accordance with O.C.G.A. §§ 22-3-140 and 32-3-6(b)(6) and (c), 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 be acquired by condemnation under the provisions of O.C.G.A. §§ 22-3-140 and 32-3-1 *et seq.* for public water and/or sewer system purposes.

IT IS ORDERED that DeKalb County proceed to acquire the title, estate or interest in the lands hereinafter described in Appendix B of the Declaration of Taking (Exhibit “A” to the Petition for Condemnation) by condemnation under the provisions of said Code, and the County Scott Boulevard – parcel 6

Page 1 of 3

Attorney 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 _____, 2017.

DEKALB COUNTY BOARD OF COMMISSIONERS:

KATHIE GANNON
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County this ____ day of _____, 2017.

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

[SIGNATURES CONTINUED ON THE FOLLOWING PAGE]

APPROVED AS TO FORM:



Sarah VanVolkenburgh

Georgia Bar No. 481771

JARRARD & DAVIS, LLP

105 Pilgrim Village Drive, Suite 200

Cumming, Georgia 30040

(678) 455-7150 – telephone

(678) 455-7149 – facsimile

Attorney for Condemnor

APPENDIX B TO EXHIBIT A
LEGAL DESCRIPTION AND PLAT

LEGAL DESCRIPTION
PERMANENT UTILITY EASEMENT B
(JOSEPH GARGIULO PROPERTY)
SCOTT BOULEVARD PROJECT – PARCEL 6

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 248 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT LOCATED AT THE INTERSECTION OF THE EASTERN RIGHT OF WAY OF HILLYER STREET (VARIABLE R/W) AND THE SOUTHERN RIGHT OF WAY OF THE GEORGIA RAILROAD (VARIABLE R/W), THENCE ALONG THE RIGHT OF WAY OF HILLYER STREET SOUTH 18 DEGREES 01 MINUTES 47 SECONDS EAST A DISTANCE OF 9.15 FEET TO A POINT, THENCE NORTH 67 DEGREES 20 MINUTES 03 SECONDS EAST A DISTANCE OF 13.53 FEET TO A POINT, THENCE NORTH 67 DEGREES 13 MINUTES 09 SECONDS EAST A DISTANCE OF 390.53 FEET TO A POINT, THENCE NORTH 69 DEGREES 00 MINUTES 15 SECONDS EAST A DISTANCE OF 39.48 FEET TO A POINT, THENCE NORTH 69 DEGREES 43 MINUTES 25 SECONDS EAST A DISTANCE OF 20.28 FEET TO A POINT, THENCE NORTH 72 DEGREES 13 MINUTES 25 SECONDS EAST A DISTANCE OF 20.00 FEET TO A POINT, THENCE NORTH 69 DEGREES 43 MINUTES 25 SECONDS EAST A DISTANCE OF 19.56 FEET TO A POINT, THENCE NORTH 67 DEGREES 13 MINUTES 25 SECONDS EAST A DISTANCE OF 23.36 FEET TO A POINT ON THE WESTERN RIGHT OF WAY OF MAPLE STREET (VARIABLE R/W), THENCE ALONG SAID RIGHT OF WAY OF WAY OF MAPLE STREET SOUTH 14 DEGREES 37 MINUTES 31 SECONDS EAST A DISTANCE OF 29.30 FEET TO A POINT, THENCE SOUTH 14 DEGREES 37 MINUTES 31 SECONDS EAST A DISTANCE OF 23.83 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING.

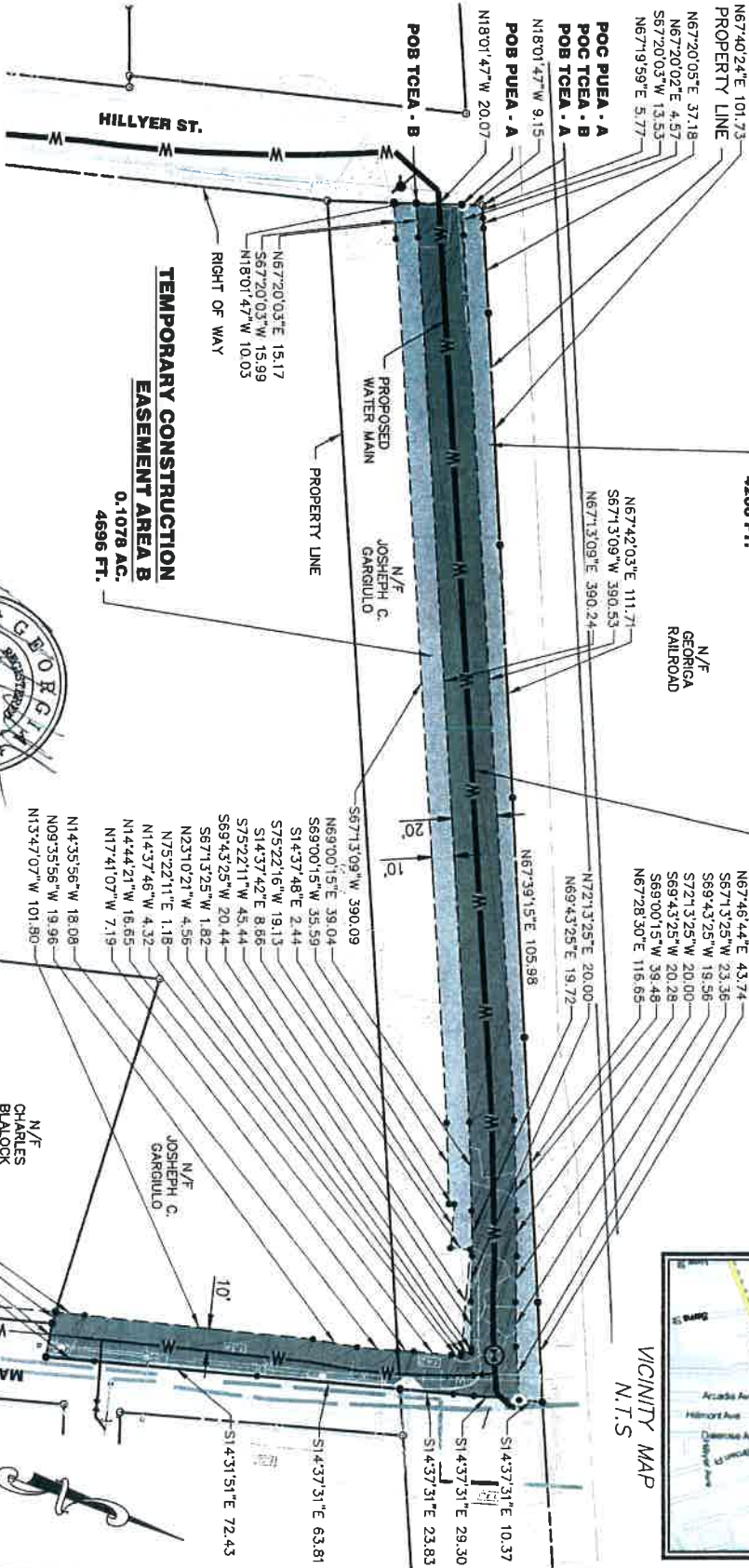
FROM SAID POINT OF BEGINNING, THENCE SOUTH 14 DEGREES 37 MINUTES 31 SECONDS EAST A DISTANCE OF 63.81 FEET TO A POINT, THENCE SOUTH 14 DEGREES 31 MINUTES 51 SECONDS EAST A DISTANCE OF 72.43 FEET TO A POINT, THENCE SOUTH 14 DEGREES 37 MINUTES 44 SECONDS EAST A DISTANCE OF 21.52 FEET TO A POINT, THENCE LEAVING SAID RIGHT OF WAY SOUTH 80 DEGREES 41 MINUTES 49 SECONDS WEST A DISTANCE OF 15.06 FEET TO A POINT, THENCE SOUTH 87 DEGREES 56 MINUTES 15 SECONDS WEST A DISTANCE OF 5.09 FEET TO A POINT, THENCE NORTH 13 DEGREES 47 MINUTES 07 SECONDS WEST A DISTANCE OF 13.05 FEET TO A POINT, THENCE NORTH 13 DEGREES 47 MINUTES 07 SECONDS WEST A DISTANCE OF 101.80 FEET TO A POINT, THENCE NORTH 09

DEGREES 35 MINUTES 56 SECONDS WEST A DISTANCE OF 19.96 FEET TO A POINT, THENCE NORTH 14 DEGREES 35 MINUTES 56 SECONDS WEST A DISTANCE OF 18.08 FEET TO A POINT, THENCE NORTH 66 DEGREES 59 MINUTES 16 SECONDS EAST A DISTANCE OF 16.82 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINS 0.0666 ACRES/2,903 SQ.FT.

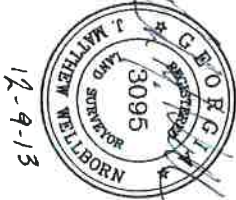
1. BOUNDARY SURVEY OF PARCELS HAS NOT BEEN PERFORMED BY PRIME ENGINEERING, INC.

NOTES:



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- IRON PIN SET
 - IRON PIN FOUND
 - CENTER LINE
 - PROPERTY LINE
 - POWER LINE
 - FIRE HYDRANT
 - LIGHT POLE
 - WATER VALVE
 - WATER METER

- LEGEND**
- FENCE
 - GAS LINE
 - WATER LINE
 - POWER LINE
 - CATCH BASIN
 - JUNCTION BOX
 - SAN. SEWER MANHOLE
 - CLEANOUT
 - PERMANENT UTILITY EASEMENT AREA
 - TEMPORARY CONSTRUCTION EASEMENT AREA



1 OF 2

**JOSIEPH GARGIULO EASEMENTS FOR
142 & 134 MAPLE STREET
PREPARED FOR
DEKALB COUNTY WATERSHED MANAGEMENT
LOCATED IN
LAND LOT 248, 15TH DISTRICT,
DEKALB COUNTY, GA**

DRAWN BY:	JDP
CHECKED BY:	JMW
SCALE:	1" = 50'
DRAWING DATE:	11/18/13
PROJECT NUMBER:	2013-0027

PRIME ENGINEERING INCORPORATED
 3715 NORTHSIDE PARKWAY NW
 300 NORTH CREEK, SUITE 200
 ATLANTA, GEORGIA 30327
 404-425-7100

R:\2013-0027 dekab-scott blvd ph 3 waterline replacement\2 SURVEY\easements\SBEA-1 JOSEPH GARGIULO-1.DWG Mon, 12/09/13 8:52 AM

**LEGAL DESCRIPTION
PERMANENT UTILITY EASEMENT
(JOSEPH GARGIULO PROPERTY)**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 248 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT A POINT LOCATED AT THE INTERSECTION OF THE EASTERN RIGHT OF WAY OF HILLYER STREET (VARIABLE R/W) AND THE SOUTHERN RIGHT OF WAY OF THE GEORGIA RAILROAD (VARIABLE R/W), THENCE ALONG THE RIGHT OF WAY OF HILLYER STREET SOUTH 18 DEGREES 01 MINUTES 47 SECONDS EAST A DISTANCE OF 9.15 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING NORTH 67 DEGREES 20 MINUTES 03 SECONDS EAST A DISTANCE OF 13.53 FEET TO A POINT, THENCE NORTH 67 DEGREES 13 MINUTES 09 SECONDS EAST A DISTANCE OF 390.53 FEET TO A POINT, THENCE NORTH 69 DEGREES 00 MINUTES 15 SECONDS EAST A DISTANCE OF 39.48 FEET TO A POINT, THENCE NORTH 69 DEGREES 43 MINUTES 25 SECONDS EAST A DISTANCE OF 20.28 FEET TO A POINT, THENCE NORTH 72 DEGREES 13 MINUTES 25 SECONDS EAST A DISTANCE OF 20.00 FEET TO A POINT, THENCE NORTH 69 DEGREES 43 MINUTES 25 SECONDS EAST A DISTANCE OF 19.56 FEET TO A POINT, THENCE NORTH 67 DEGREES 13 MINUTES 25 SECONDS EAST A DISTANCE OF 23.36 FEET TO A POINT ON THE WESTERN RIGHT OF WAY OF MAPLE STREET (VARIABLE R/W), THENCE ALONG SAID RIGHT OF WAY OF WAY OF MAPLE STREET SOUTH 14 DEGREES 37 MINUTES 31 SECONDS EAST A DISTANCE OF 29.30 FEET TO A POINT, THENCE SOUTH 14 DEGREES 37 MINUTES 31 SECONDS EAST A DISTANCE OF 23.83 FEET TO A POINT, THENCE SOUTH 14 DEGREES 37 MINUTES 31 SECONDS EAST A DISTANCE OF 63.81 FEET TO A POINT, THENCE SOUTH 14 DEGREES 31 MINUTES 51 SECONDS EAST A DISTANCE OF 72.43 FEET TO A POINT, THENCE SOUTH 14 DEGREES 37 MINUTES 44 SECONDS EAST A DISTANCE OF 21.52 FEET TO A POINT, THENCE LEAVING SAID RIGHT OF WAY SOUTH 80 DEGREES 41 MINUTES 49 SECONDS WEST A DISTANCE OF 15.06 FEET TO A POINT, THENCE SOUTH 87 DEGREES 58 MINUTES 15 SECONDS WEST A DISTANCE OF 5.09 FEET TO A POINT, THENCE NORTH 13 DEGREES 47 MINUTES 07 SECONDS WEST A DISTANCE OF 13.05 FEET TO A POINT, THENCE NORTH 13 DEGREES 47 MINUTES 07 SECONDS WEST A DISTANCE OF 101.80 FEET TO A POINT, THENCE NORTH 09 DEGREES 35 MINUTES 56 SECONDS WEST A DISTANCE OF 19.96 FEET TO A POINT, THENCE NORTH 14 DEGREES 35 MINUTES 56 SECONDS WEST A DISTANCE OF 18.08 FEET TO A POINT, THENCE NORTH 17 DEGREES 41 MINUTES 7 SECONDS EAST A DISTANCE OF 7.19 FEET TO A POINT, THENCE NORTH 14 DEGREES 44 MINUTES 21 SECONDS WEST A DISTANCE OF 18.65 FEET TO A POINT, THENCE NORTH 14 DEGREES 37 MINUTES 46 SECONDS WEST A DISTANCE OF 4.32 FEET TO A POINT, THENCE NORTH 75 DEGREES 22 MINUTES 11 SECONDS EAST A DISTANCE OF 1.18 FEET TO A POINT, THENCE NORTH 23 DEGREES 10 MINUTES 21 SECONDS WEST A DISTANCE OF 4.56 FEET TO A POINT, THENCE SOUTH 67 DEGREES 13 MINUTES 25 SECONDS WEST A DISTANCE OF 1.82 FEET TO A POINT, THENCE SOUTH 69 DEGREES 43 MINUTES 25 SECONDS WEST A DISTANCE OF 20.44 FEET TO A POINT, THENCE SOUTH 72 DEGREES 13 MINUTES 25 SECONDS WEST A DISTANCE OF 20.00 FEET TO A POINT, THENCE SOUTH 69 DEGREES 43 MINUTES 25 SECONDS WEST A DISTANCE OF 19.72 FEET TO A POINT, THENCE SOUTH 69 DEGREES 00 MINUTES 15 SECONDS WEST A DISTANCE OF 39.04 FEET TO A POINT, THENCE SOUTH 67 DEGREES 13 MINUTES 09 SECONDS WEST A DISTANCE OF 390.24 FEET TO A POINT, THENCE SOUTH 67 DEGREES 20 MINUTES 03 SECONDS WEST A DISTANCE OF 15.17 FEET TO A POINT ON THE EASTERN RIGHT OF WAY OF HILLYER STREET, THENCE ALONG SAID RIGHT OF WAY NORTH 18 DEGREES 01 MINUTES 47 SECONDS WEST A DISTANCE OF 20.07 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINS 0.3212 ACRES/13,993 SQ.FT.

**LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT A
(JOSEPH GARGIULO PROPERTY)**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 248 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT LOCATED AT THE INTERSECTION OF THE EASTERN RIGHT OF WAY OF HILLYER STREET (VARIABLE R/W) AND THE SOUTHERN RIGHT OF WAY OF THE GEORGIA RAILROAD (VARIABLE R/W), SAID POINT BEING THE POINT OF BEGINNING. FROM SAID POINT OF BEGINNING AND ALONG THE SOUTHERN RIGHT OF WAY OF THE GEORGIA RAILROAD NORTH 67 DEGREES 19 MINUTES 59 SECONDS EAST A DISTANCE OF 5.77 FEET TO A POINT, THENCE NORTH 67 DEGREES 20 MINUTES 02 SECONDS EAST A DISTANCE OF 4.57 FEET TO A POINT, THENCE NORTH 67 DEGREES 20 MINUTES 05 SECONDS EAST A DISTANCE OF 37.18 FEET TO A POINT, THENCE NORTH 67 DEGREES 40 MINUTES 24 SECONDS EAST A DISTANCE OF 101.73 FEET TO A POINT, THENCE NORTH 67 DEGREES 42 MINUTES 03 SECONDS EAST A DISTANCE OF 111.71 FEET TO A POINT, THENCE NORTH 67 DEGREES 39 MINUTES 15 SECONDS EAST A DISTANCE OF 105.99 FEET TO A POINT, THENCE NORTH 67 DEGREES 28 MINUTES 30 SECONDS EAST A DISTANCE OF 118.65 FEET TO A POINT, THENCE NORTH 67 DEGREES 48 MINUTES 44 SECONDS EAST A DISTANCE OF 43.74 FEET TO A POINT ON THE WESTERN RIGHT OF WAY OF MAPLE STREET (VARIABLE R/W), THENCE LEAVING SAID RIGHT OF WAY OF THE GEORGIA RAILROAD AND ALONG THE WESTERN RIGHT OF WAY OF MAPLE STREET SOUTH 14 DEGREES 37 MINUTES 31 SECONDS EAST A DISTANCE OF 10.37 FEET TO A POINT, THENCE LEAVING SAID RIGHT OF WAY OF MAPLE STREET SOUTH 67 DEGREES 13 MINUTES 25 SECONDS WEST A DISTANCE OF 23.36 FEET TO A POINT, THENCE SOUTH 89 DEGREES 43 MINUTES 25 SECONDS WEST A DISTANCE OF 19.56 FEET TO A POINT, THENCE SOUTH 72 DEGREES 13 MINUTES 25 SECONDS WEST A DISTANCE OF 20.00 FEET TO A POINT, THENCE SOUTH 69 DEGREES 43 MINUTES 25 SECONDS WEST A DISTANCE OF 20.28 FEET TO A POINT, THENCE SOUTH 69 DEGREES 00 MINUTES 15 SECONDS WEST A DISTANCE OF 39.48 FEET TO A POINT, THENCE SOUTH 67 DEGREES 13 MINUTES 09 SECONDS WEST A DISTANCE OF 390.53 FEET TO A POINT, THENCE SOUTH 67 DEGREES 20 MINUTES 03 SECONDS WEST A DISTANCE OF 13.53 FEET TO A POINT ON THE EASTERN RIGHT OF WAY OF HILLYER STREET (VARIABLE R/W), THENCE ALONG SAID RIGHT OF WAY NORTH 18 DEGREES 01 MINUTES 47 SECONDS WEST A DISTANCE OF 9.15 FEET TO A POINT LOCATED AT THE INTERSECTION OF THE EASTERN RIGHT OF WAY OF HILLYER STREET (VARIABLE R/W) AND THE SOUTHERN RIGHT OF WAY OF THE GEORGIA RAILROAD (VARIABLE R/W), SAID POINT BEING THE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINS 0.0966 ACRES/4,206 SQ.FT.

**LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT AREA B
(JOSEPH GARGIULO PROPERTY)**

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FROM SAID POINT OF BEGINNING NORTH 67 DEGREES 20 MINUTES 03 SECONDS EAST A DISTANCE OF 15.17 FEET TO A POINT, THENCE NORTH 67 DEGREES 13 MINUTES 09 SECONDS EAST A DISTANCE OF 390.24 FEET TO A POINT, THENCE NORTH 69 DEGREES 00 MINUTES 15 SECONDS EAST A DISTANCE OF 39.04 FEET TO A POINT, THENCE NORTH 69 DEGREES 43 MINUTES 25 SECONDS EAST A DISTANCE OF 19.72 FEET TO A POINT, THENCE NORTH 72 DEGREES 13 MINUTES 25 SECONDS EAST A DISTANCE OF 20.00 FEET TO A POINT, THENCE NORTH 69 DEGREES 43 MINUTES 25 SECONDS EAST A DISTANCE OF 20.44 FEET TO A POINT, THENCE NORTH 67 DEGREES 13 MINUTES 25 SECONDS EAST A DISTANCE OF 1.82 FEET TO A POINT, THENCE SOUTH 23 DEGREES 10 MINUTES 21 SECONDS EAST A DISTANCE OF 4.56 FEET TO A POINT, THENCE SOUTH 75 DEGREES 22 MINUTES 11 SECONDS WEST A DISTANCE OF 1.18 FEET TO A POINT, THENCE SOUTH 75 DEGREES 22 MINUTES 11 SECONDS WEST A DISTANCE OF 45.44 FEET TO A POINT, THENCE SOUTH 14 DEGREES 37 MINUTES 42 SECONDS EAST A DISTANCE OF 8.66 FEET TO A POINT, THENCE SOUTH 75 DEGREES 22 MINUTES 16 SECONDS WEST A DISTANCE OF 19.13 FEET TO A POINT, THENCE SOUTH 14 DEGREES 37 MINUTES 48 SECONDS EAST A DISTANCE OF 2.44 FEET TO A POINT, THENCE SOUTH 69 DEGREES 00 MINUTES 15 SECONDS WEST A DISTANCE OF 35.59 FEET TO A POINT, THENCE SOUTH 67 DEGREES 13 MINUTES 09 SECONDS WEST A DISTANCE OF 390.09 FEET TO A POINT, THENCE SOUTH 67 DEGREES 20 MINUTES 03 SECONDS WEST A DISTANCE OF 15.99 FEET TO A POINT ON THE EASTERN RIGHT OF WAY OF HILLYER STREET, THENCE ALONG SAID RIGHT OF WAY NORTH 18 DEGREES 01 MINUTES 47 SECONDS WEST A DISTANCE OF 10.03 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINS 0.1078 ACRES/4,696 SQ.FT.



**PRIME
ENGINEERING**
INCORPORATED
3715 NORTHSIDE PARKWAY NW
300 NORTHCHREK, SUITE 200
ATLANTA, GEORGIA 30327
404-425-7100

DRAWN BY:	JDP
CHECKED BY:	JMW
SCALE:	N.T.S.
DRAWING DATE:	11/18/13
PROJECT NUMBER:	2013-0027

**JOSEPH GARGIULO EASEMENTS FOR
142 AND 134 MAPLE STREET
PREPARED FOR
DEKALB COUNTY WATERSHED MANAGEMENT
LOCATED IN
LAND LOT 248, 15TH DISTRICT,
DEKALB COUNTY, GA**

APPENDIX C TO EXHIBIT A
APPRAISER'S AFFIDAVIT


APPENDIX "C" TO EXHIBIT "A"

GEORGIA, DeKalb COUNTY

Personally comes Daniel Diaz, residing at 3906 Oberlin Court Tucker, Georgia, 30084, and states on oath as follows:

1. Affiant was employed by DeKalb County to appraise Parcel No. 6 of the right of way and rights required for construction of Project No. 2013-0027 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 \$ 17,650.



Daniel Diaz
APPRAISER

Sworn to and subscribed before me,
this 20 day of October, 2014.



NOTARY PUBLIC
My commission expires 4/8/18



Parcel No. 6 (138 - 134 Maple Street)

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 PUBLIC WATER OR SEWER SYSTEM 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. Sections 22-3-140 and 32-3-1, *et seq.* in the acquisition of certain interests in property for county water or sewer system 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. Sections 22-3-140 and 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 Joseph C. Gargiulo and Synovus Bank, as successor by merger to Bank of North Georgia, their successors or assigns. It is further resolved that payment of just and adequate compensation in the amount of seventy-seven thousand two hundred fifty dollars (\$77,250.00) be made to the person or persons entitled to such payment. The Chief Executive Officer, Interim 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 _____, 2017.

DEKALB COUNTY BOARD OF COMMISSIONERS:

KATHIE GANNON
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

[SIGNATURES CONTINUED ON THE FOLLOWING PAGE]

APPROVED by the Chief Executive Officer of DeKalb County this ____ day of _____, 2017.

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

APPROVED AS TO FORM:

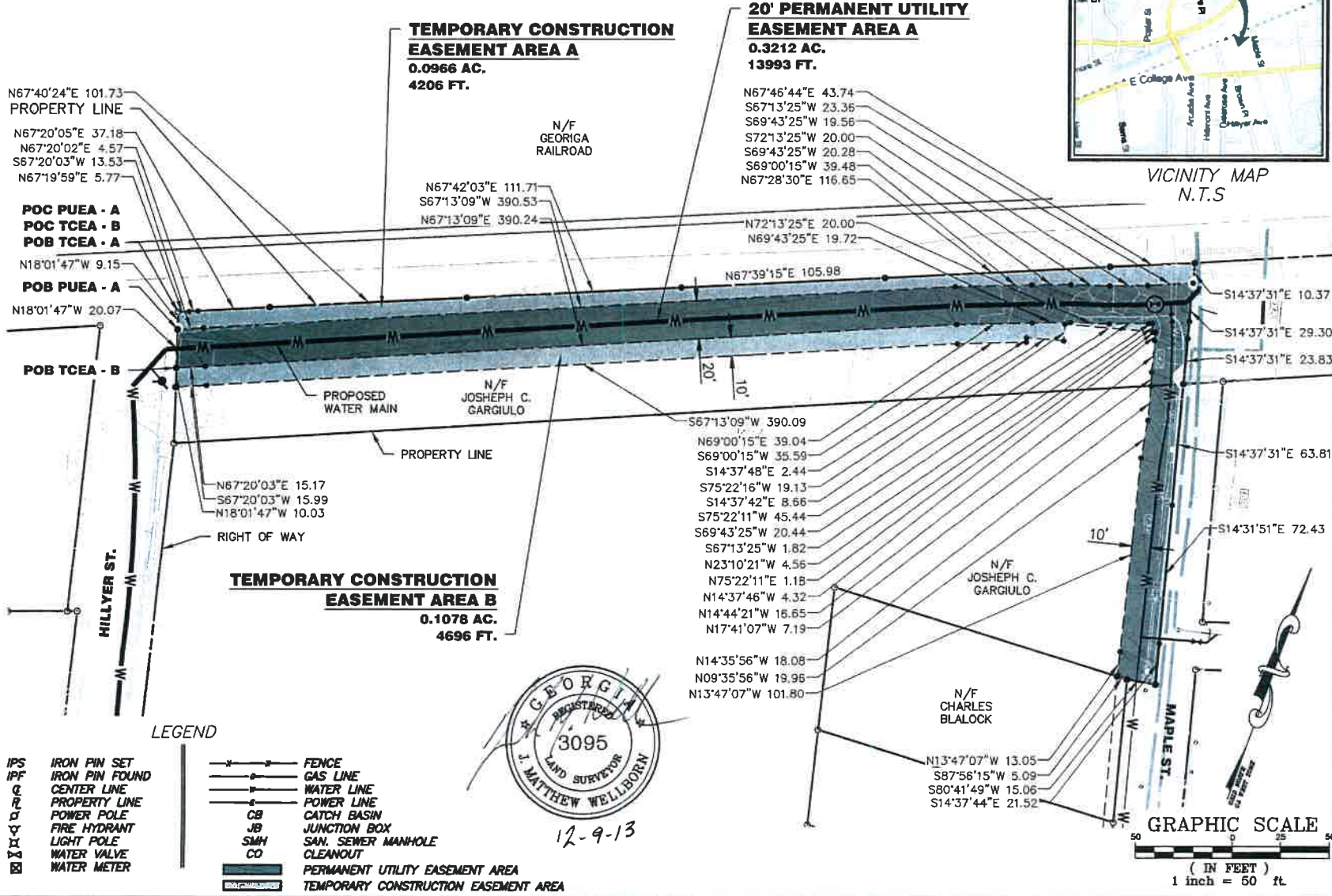


Sarah VanVolkenburgh
Counsel for DeKalb County

R:\2013-0027 dekalb-scott Blvd ph 3 waterline replacement\2 SURVEY\Easements\SREA-1 JOSEPH GARGIULO-1.DWG Mon, 12/09/13 8:52 AM

NOTES:

1. BOUNDARY SURVEY OF PARCELS HAS NOT BEEN PERFORMED BY PRIME ENGINEERING, INC.



VICINITY MAP
N.T.S



PRIME ENGINEERING INCORPORATED
3715 NORTHSIDE PARKWAY NW
300 NORTH CREEK SUITE 200
ATLANTA, GEORGIA 30327
404-425-7100

DRAWN BY: JDP
CHECKED BY: JMW
SCALE: 1" = 50'
DRAWING DATE: 11/18/13
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JOSSEPH GARGIULO EASEMENTS FOR
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PREPARED FOR
DEKALB COUNTY WATERSHED MANAGEMENT
LOCATED IN
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DEKALB COUNTY, GA

1 OF 2

R:\2013-0027 dekalb-scott blvd ph 3 waterline replacement\2 SURVEY\ easements\SBEA-1 JOSEPH GARGULO-1.DWG Mon, 12/09/13 8:52 AM

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SAID TRACT OR PARCEL CONTAINS 0.1078 ACRES/4,698 SQ.FT.



12-9-13

**PRIME
ENGINEERING
INCORPORATED**
3715 NORTHSIDE PARKWAY NW
300 NORTHGATE SUITE 200
ATLANTA, GEORGIA 30327
404-425-7100

DRAWN BY: JDP
CHECKED BY: JMW
SCALE: N.T.S.
DRAWING DATE: 11/18/13
PROJECT NUMBER: 2013-0027

**JOSHEPH GARGULO EASEMENTS FOR
142 AND 134 MAPLE STREET
PREPARED FOR
DEKALB COUNTY WATERSHED MANAGEMENT
LOCATED IN
LAND LOT 248, 15TH DISTRICT,
DEKALB COUNTY, GA**

2 OF 2

EXHIBIT "A"

DECLARATION OF TAKING

WHEREAS, DeKalb County, Georgia has made and passed a Resolution finding that the circumstances in connection with acquiring certain interests in property and easements for public (county) water and/or sewer 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, a certified copy/duplicate original of which is attached to this Declaration as Appendix A to Exhibit "A," and made a part hereof, under O.C.G.A. §§ 22-3-140 and 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-referred 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 \$77,250.00 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.* and O.C.G.A. § 22-3-140 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, replacing, extending, expanding, and/or installing infrastructure for a public (county) water and/or sewer purposes.

DEKALB COUNTY BOARD OF COMMISSIONERS:

KATHIE GANNON
Presiding Officer
Board of Commissioners
DeKalb County, Georgia


APPROVED by the Chief Executive Officer of DeKalb County this _____ day of _____, 2017.

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

APPROVED AS TO FORM:



Sarah VanVolkenburgh
Georgia Bar No. 481771
JARRARD & DAVIS, LLP
105 Pilgrim Village Drive, Suite 200
Cumming, Georgia 30040
(678) 455-7150 – telephone
(678) 455-7149 – facsimile
Attorney for Condemnor

APPENDIX A TO EXHIBIT A
RESOLUTION AND ORDER OF BOARD OF COMMISSIONERS

**ORDER OF THE DEKALB COUNTY BOARD OF COMMISSIONERS TO CONDEMN
PROPERTY FOR PURPOSES OF CONSTRUCTING AND IMPROVING A PUBLIC
WATER AND/OR SEWER SYSTEM PROJECT**

WHEREAS, the Board of Commissioners of DeKalb County has laid out and determined to construct and improve a public water and/or sewer system project for DeKalb County at that certain parcel identified for tax purposes as parcel identification number 15-248-22-012 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 (Exhibit “A” to the Petition for Condemnation).

WHEREAS, the tract of property and other rights as herein described and as 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:	11,090 Square Feet of Permanent Utility Easement 8,902 Square Feet of Temporary Construction Easement
Owner:	Joseph C. Gargiulo; Synovus Bank, as successor by merger to Bank of North Georgia

NOW THEREFORE, in accordance with O.C.G.A. §§ 22-3-140 and 32-3-6(b)(6) and (c), 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 be acquired by condemnation under the provisions of O.C.G.A. §§ 22-3-140 and 32-3-1 *et seq.* for public water and/or sewer system purposes.

IT IS ORDERED that DeKalb County proceed to acquire the title, estate or interest in the lands hereinafter described in Appendix B of the Declaration of Taking (Exhibit “A” to the

Petition for Condemnation) by condemnation under the provisions of said Code, and the County Attorney 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 _____, 2017.

DEKALB COUNTY BOARD OF COMMISSIONERS:

KATHIE GANNON
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County this ____ day of _____, 2017.

MICHAEL L. THURMOND
Chief Executive Officer

Attest:

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

[SIGNATURES CONTINUED ON THE FOLLOWING PAGE]

APPROVED AS TO FORM:



Sarah VanVolkenburgh

Georgia Bar No. 481771

JARRARD & DAVIS, LLP

105 Pilgrim Village Drive, Suite 200

Cumming, Georgia 30040

(678) 455-7150 – telephone

(678) 455-7149 – facsimile

Attorney for Condemnor

APPENDIX B TO EXHIBIT A
LEGAL DESCRIPTION AND PLAT

LEGAL DESCRIPTION
PERMANENT UTILITY EASEMENT A
(JOSEPH GARGIULO PROPERTY)
SCOTT BOULEVARD PROJECT – PARCEL 7

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 248 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT LOCATED AT THE INTERSECTION OF THE EASTERN RIGHT OF WAY OF HILLYER STREET (VARIABLE R/W) AND THE SOUTHERN RIGHT OF WAY OF THE GEORGIA RAILROAD (VARIABLE R/W), THENCE ALONG THE RIGHT OF WAY OF HILLYER STREET SOUTH 18 DEGREES 01 MINUTES 47 SECONDS EAST A DISTANCE OF 9.15 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING NORTH 67 DEGREES 20 MINUTES 03 SECONDS EAST A DISTANCE OF 13.53 FEET TO A POINT, THENCE NORTH 67 DEGREES 13 MINUTES 09 SECONDS EAST A DISTANCE OF 390.53 FEET TO A POINT, THENCE NORTH 69 DEGREES 00 MINUTES 15 SECONDS EAST A DISTANCE OF 39.48 FEET TO A POINT, THENCE NORTH 69 DEGREES 43 MINUTES 25 SECONDS EAST A DISTANCE OF 20.28 FEET TO A POINT, THENCE NORTH 72 DEGREES 13 MINUTES 25 SECONDS EAST A DISTANCE OF 20.00 FEET TO A POINT, THENCE NORTH 69 DEGREES 43 MINUTES 25 SECONDS EAST A DISTANCE OF 19.56 FEET TO A POINT, THENCE NORTH 67 DEGREES 13 MINUTES 25 SECONDS EAST A DISTANCE OF 23.36 FEET TO A POINT ON THE WESTERN RIGHT OF WAY OF MAPLE STREET (VARIABLE R/W), THENCE ALONG SAID RIGHT OF WAY OF WAY OF MAPLE STREET SOUTH 14 DEGREES 37 MINUTES 31 SECONDS EAST A DISTANCE OF 29.30 FEET TO A POINT, THENCE SOUTH 14 DEGREES 37 MINUTES 31 SECONDS EAST A DISTANCE OF 23.83 FEET TO A POINT, THENCE SOUTH 66 DEGREES 59 MINUTES 16 SECONDS WEST A DISTANCE OF 16.82 FEET TO A POINT, THENCE NORTH 17 DEGREES 41 MINUTES 7 SECONDS WEST A DISTANCE OF 7.19 FEET TO A POINT, THENCE NORTH 14 DEGREES 44 MINUTES 21 SECONDS WEST A DISTANCE OF 16.65 FEET TO A POINT, THENCE NORTH 14 DEGREES 37 MINUTES 46 SECONDS WEST A DISTANCE OF 4.32 FEET TO A POINT, THENCE SOUTH 75 DEGREES 22 MINUTES 11 SECONDS WEST A DISTANCE OF 1.18 FEET TO A POINT, THENCE NORTH 23 DEGREES 10 MINUTES 21 SECONDS WEST A DISTANCE OF 4.56 FEET TO A POINT, THENCE SOUTH 67 DEGREES 13 MINUTES 25 SECONDS WEST A DISTANCE OF 1.82 FEET TO A POINT, THENCE SOUTH 69 DEGREES 43 MINUTES 25 SECONDS WEST A DISTANCE OF 20.44 FEET TO A POINT, THENCE SOUTH 72 DEGREES 13 MINUTES 25 SECONDS WEST A

DISTANCE OF 20.00 FEET TO A POINT, THENCE SOUTH 69 DEGREES 43 MINUTES 25 SECONDS WEST A DISTANCE OF 19.72 FEET TO A POINT, THENCE SOUTH 69 DEGREES 00 MINUTES 15 SECONDS WEST A DISTANCE OF 39.04 FEET TO A POINT, THENCE SOUTH 67 DEGREES 13 MINUTES 09 SECONDS WEST A DISTANCE OF 390.24 FEET TO A POINT, THENCE SOUTH 67 DEGREES 20 MINUTES 03 SECONDS WEST A DISTANCE OF 15.17 FEET TO A POINT ON THE EASTERN RIGHT OF WAY OF HILLYER STREET, THENCE ALONG SAID RIGHT OF WAY NORTH 18 DEGREES 01 MINUTES 47 SECONDS WEST A DISTANCE OF 20.07 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINS 0.2546 ACRES/11,090 SQ.FT.

LEGAL DESCRIPTION

TEMPORARY CONSTRUCTION EASEMENT AREA A

(JOSEPH GARGIULO PROPERTY)
SCOTT BOULEVARD PROJECT – PARCEL 7

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 248 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED AT THE INTERSECTION OF THE EASTERN RIGHT OF WAY OF HILLYER STREET (VARIABLE R/W) AND THE SOUTHERN RIGHT OF WAY OF THE GEORGIA RAILROAD (VARIABLE R/W), SAID POINT BEING THE POINT OF BEGINNING. FROM SAID POINT OF BEGINNING AND ALONG THE SOUTHERN RIGHT OF WAY OF THE GEORGIA RAILROAD NORTH 67 DEGREES 19 MINUTES 59 SECONDS EAST A DISTANCE OF 5.77 FEET TO A POINT, THENCE NORTH 67 DEGREES 20 MINUTES 02 SECONDS EAST A DISTANCE OF 4.57 FEET TO A POINT, THENCE NORTH 67 DEGREES 20 MINUTES 05 SECONDS EAST A DISTANCE OF 37.18 FEET TO A POINT, THENCE NORTH 67 DEGREES 40 MINUTES 24 SECONDS EAST A DISTANCE OF 101.73 FEET TO A POINT, THENCE NORTH 67 DEGREES 42 MINUTES 03 SECONDS EAST A DISTANCE OF 111.71 FEET TO A POINT, THENCE 67 DEGREES 39 MINUTES 15 SECONDS EAST A DISTANCE OF 105.98 FEET TO A POINT, THENCE NORTH 67 DEGREES 28 MINUTES 30 SECONDS EAST A DISTANCE OF 116.65 FEET TO A POINT, THENCE NORTH 67 DEGREES 46 MINUTES 44 SECONDS EAST A DISTANCE OF 43.74 FEET TO A POINT ON THE WESTERN RIGHT OF WAY OF MAPLE STREET (VARIABLE R/W), THENCE LEAVING SAID RIGHT OF WAY OF THE GEORGIA RAILROAD AND ALONG THE WESTERN RIGHT OF WAY OF MAPLE STREET SOUTH 14 DEGREES 37 MINUTES 31 SECONDS EAST A DISTANCE OF 10.37 FEET TO A POINT, THENCE LEAVING SAID RIGHT OF WAY OF MAPLE STREET SOUTH 67 DEGREES 13 MINUTES 25 SECONDS WEST A DISTANCE OF 23.36 FEET TO A POINT, THENCE SOUTH 69 DEGREES 43 MINUTES 25 SECONDS WEST A DISTANCE OF 19.56 FEET TO A POINT, THENCE SOUTH 72 DEGREES 13 MINUTES 25 SECONDS WEST A DISTANCE OF 20.00 FEET TO A POINT, THENCE SOUTH 69 DEGREES 43 MINUTES 25 SECONDS WEST A DISTANCE OF 20.28 FEET TO A POINT, THENCE SOUTH 69 DEGREES 00 MINUTES 15 SECONDS WEST A DISTANCE OF 39.48 FEET TO A POINT, THENCE SOUTH 67 DEGREES 13 MINUTES 09 SECONDS WEST A DISTANCE OF 390.53 FEET TO A POINT, THENCE SOUTH 67 DEGREES 20 MINUTES 03 SECONDS WEST A DISTANCE OF 13.53 FEET TO A POINT ON THE EASTERN RIGHT OF WAY OF HILLYER STREET (VARIABLE R/W), THENCE ALONG SAID

RIGHT OF WAY NORTH 18 DEGREES 01 MINUTES 47 SECONDS WEST A DISTANCE OF 9.15 FEET TO A POINT LOCATED AT THE INTERSECTION OF THE EASTERN RIGHT OF WAY OF HILLYER STREET (VARIABLE R/W) AND THE SOUTHERN RIGHT OF WAY OF THE GEORGIA RAILROAD (VARIABLE R/W), SAID POINT BEING THE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINS 0.0966 ACRES/4,206 SQ.FT. SAID EASEMENT IS TO BECOME EFFECTIVE AT THE BEGINNING OF CONSTRUCTION OF THE PROJECT AND WILL EXPIRE ON DECEMBER 28, 2019, OR UPON COMPLETION AND FINAL ACCEPTANCE OF SAID PROJECT BY DEKALB COUNTY, WHICHEVER SHALL FIRST OCCUR.

LEGAL DESCRIPTION

TEMPORARY CONSTRUCTION EASEMENT AREA B

(JOSEPH GARGIULO PROPERTY)
SCOTT BOULEVARD PROJECT – PARCEL 7

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 248 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT LOCATED AT THE INTERSECTION OF THE EASTERN RIGHT OF WAY OF HILLYER STREET (VARIABLE R/W) AND THE SOUTHERN RIGHT OF WAY OF THE GEORGIA RAILROAD (VARIABLE R/W), THENCE ALONG THE RIGHT OF WAY OF HILLYER STREET SOUTH 18 DEGREES 01 MINUTES 47 SECONDS EAST A DISTANCE OF 9.15 FEET TO A POINT, THENCE SOUTH 18 DEGREES 01 MINUTES 47 SECONDS EAST 20.07 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING.

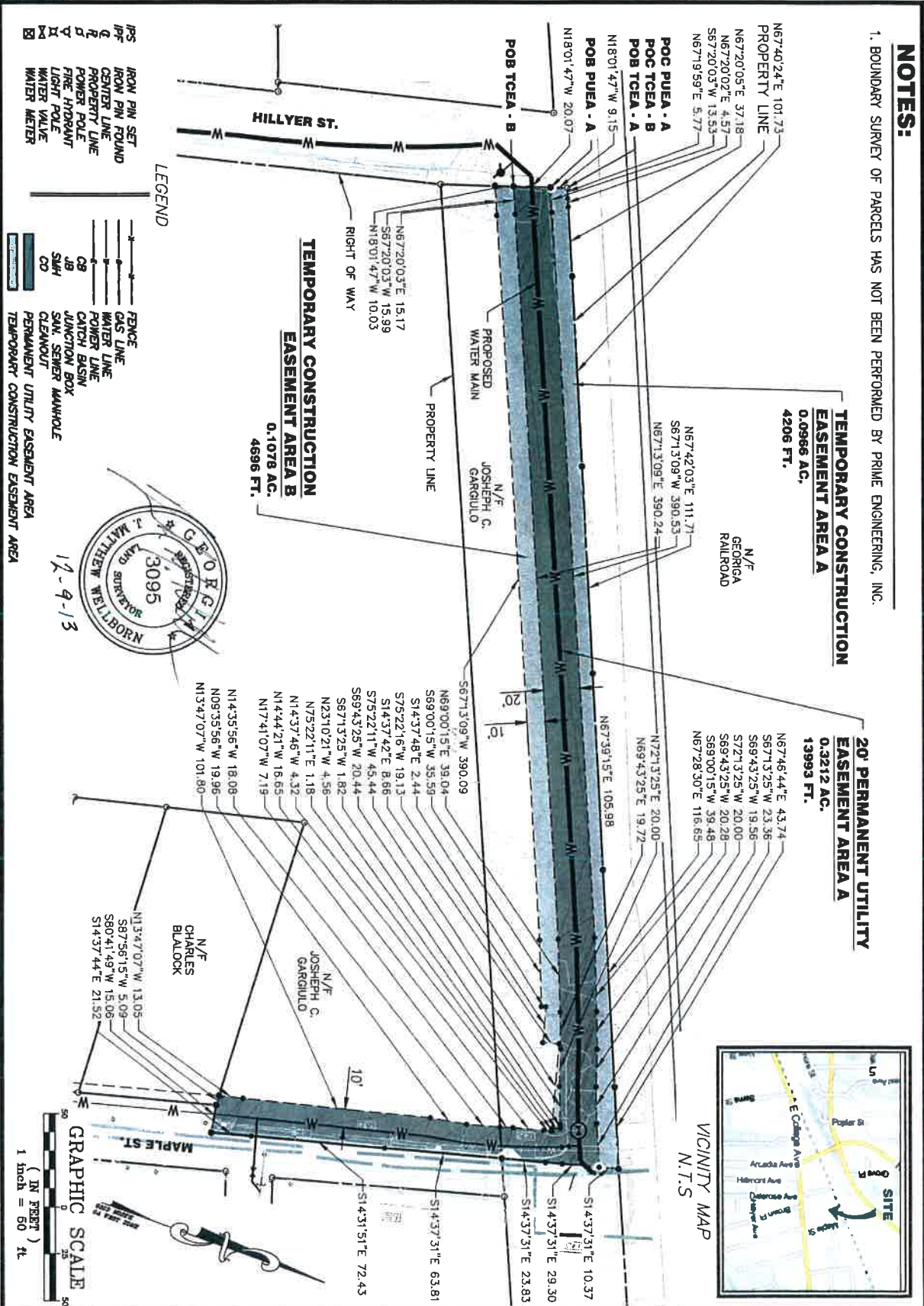
FROM SAID POINT OF BEGINNING NORTH 67 DEGREES 20 MINUTES 03 SECONDS EAST A DISTANCE OF 15.17 FEET TO A POINT, THENCE NORTH 67 DEGREES 13 MINUTES 09 SECONDS EAST A DISTANCE OF 390.24 FEET TO A POINT, THENCE NORTH 67 DEGREES 00 MINUTES 15 SECONDS EAST A DISTANCE OF 39.04 FEET TO A POINT, THENCE NORTH 69 DEGREES 43 MINUTES 25 SECONDS EAST A DISTANCE OF 19.72 FEET TO A POINT, THENCE NORTH 69 DEGREES 43 MINUTES 25 SECONDS EAST A DISTANCE OF 20.44 FEET TO A POINT, THENCE NORTH 67 DEGREES 13 MINUTES 25 SECONDS EAST A DISTANCE OF 1.82 FEET TO A POINT, THENCE SOUTH 23 DEGREES 10 MINUTES 21 SECONDS EAST A DISTANCE OF 4.56 FEET TO A POINT, THENCE SOUTH 75 DEGREES 22 MINUTES 11 SECONDS WEST A DISTANCE OF 1.18 FEET TO A POINT, THENCE SOUTH 75 DEGREES 22 MINUTES 11 SECONDS WEST A DISTANCE OF 45.44 FEET TO A POINT, THENCE SOUTH 14 DEGREES 37 MINUTES 42 SECONDS EAST A DISTANCE OF 8.66 FEET TO A POINT, THENCE SOUTH 75 DEGREES 22 MINUTES 16 SECONDS WEST A DISTANCE OF 19.13 FEET TO A POINT, THENCE SOUTH 14 DEGREES 37 MINUTES 48 SECONDS EAST A DISTANCE OF 2.44 FEET TO A POINT, THENCE SOUTH 69 DEGREES 00 MINUTES 15 SECONDS WEST A DISTANCE OF 35.59 FEET TO A POINT, THENCE SOUTH 67 DEGREES 13 MINUTES 09 SECONDS WEST A DISTANCE OF 390.09 FEET TO A POINT, THENCE SOUTH 67 DEGREES 20 MINUTES 03 SECONDS WEST A DISTANCE OF 15.99 FEET TO A POINT ON THE EASTERN RIGHT OF WAY OF HILLYER STREET, THENCE ALONG SAID RIGHT OF WAY NORTH 18 DEGREES 01 MINUTES 47 SECONDS WEST A

DISTANCE OF 10.03 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINS 0.1078 ACRES/4,696 SQ.FT. SAID EASEMENT IS TO BECOME EFFECTIVE AT THE BEGINNING OF CONSTRUCTION OF THE PROJECT AND WILL EXPIRE ON DECEMBER 28, 2019, OR UPON COMPLETION AND FINAL ACCEPTANCE OF SAID PROJECT BY DEKALB COUNTY, WHICHEVER SHALL FIRST OCCUR.

NOTES:

1. BOUNDARY SURVEY OF PARCELS HAS NOT BEEN PERFORMED BY PRIME ENGINEERING, INC.



1 OF 2

**JOSEPH GARGIULO EASEMENTS FOR
142 & 134 MAPLE STREET
PREPARED FOR
DEKALB COUNTY WATERSHED MANAGEMENT
LOCATED IN
LAND LOT 248, 15TH DISTRICT,
DEKALB COUNTY, GA**

**DRAWN BY: JDP
CHECKED BY: JMW
SCALE: 1" = 50'
DRAWING DATE: 11/18/13
PROJECT NUMBER: 2013-0027**

PRIME ENGINEERING INCORPORATED
3715 NORTHSIDE PARKWAY NW
300 NORTHCREEK, SUITE 200
ATLANTA, GEORGIA 30327
404-425-7100

R:\2013-0027 dekalb-scott bhd ph 3 waterline replacement\2 SURVEY\Easements\SBEA-1 JOSEPH GARGIULO-1.DWG Mon, 12/09/13 8:52 AM

**LEGAL DESCRIPTION
PERMANENT UTILITY EASEMENT
(JOSEPH GARGIULO PROPERTY)**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 248 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT A POINT LOCATED AT THE INTERSECTION OF THE EASTERN RIGHT OF WAY OF HILLYER STREET (VARIABLE R/W) AND THE SOUTHERN RIGHT OF WAY OF THE GEORGIA RAILROAD (VARIABLE R/W), THENCE ALONG THE RIGHT OF WAY OF HILLYER STREET SOUTH 18 DEGREES 01 MINUTES 47 SECONDS EAST A DISTANCE OF 9.15 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING NORTH 67 DEGREES 20 MINUTES 03 SECONDS EAST A DISTANCE OF 13.53 FEET TO A POINT, THENCE NORTH 67 DEGREES 13 MINUTES 09 SECONDS EAST A DISTANCE OF 390.53 FEET TO A POINT, THENCE NORTH 69 DEGREES 00 MINUTES 15 SECONDS EAST A DISTANCE OF 39.48 FEET TO A POINT, THENCE NORTH 69 DEGREES 43 MINUTES 25 SECONDS EAST A DISTANCE OF 20.28 FEET TO A POINT, THENCE NORTH 72 DEGREES 13 MINUTES 25 SECONDS EAST A DISTANCE OF 20.00 FEET TO A POINT, THENCE NORTH 69 DEGREES 43 MINUTES 25 SECONDS EAST A DISTANCE OF 19.56 FEET TO A POINT, THENCE NORTH 67 DEGREES 13 MINUTES 25 SECONDS EAST A DISTANCE OF 23.36 FEET TO A POINT ON THE WESTERN RIGHT OF WAY OF MAPLE STREET (VARIABLE R/W), THENCE ALONG SAID RIGHT OF WAY OF WAY OF MAPLE STREET SOUTH 14 DEGREES 37 MINUTES 31 SECONDS EAST A DISTANCE OF 29.30 FEET TO A POINT, THENCE SOUTH 14 DEGREES 37 MINUTES 31 SECONDS EAST A DISTANCE OF 23.83 FEET TO A POINT, THENCE SOUTH 14 DEGREES 37 MINUTES 31 SECONDS EAST A DISTANCE OF 63.81 FEET TO A POINT, THENCE SOUTH 14 DEGREES 31 MINUTES 51 SECONDS EAST A DISTANCE OF 72.43 FEET TO A POINT, THENCE SOUTH 14 DEGREES 37 MINUTES 44 SECONDS EAST A DISTANCE OF 21.52 FEET TO A POINT, THENCE LEAVING SAID RIGHT OF WAY SOUTH 80 DEGREES 41 MINUTES 49 SECONDS WEST A DISTANCE OF 15.06 FEET TO A POINT, THENCE SOUTH 87 DEGREES 56 MINUTES 15 SECONDS WEST A DISTANCE OF 5.09 FEET TO A POINT, THENCE NORTH 13 DEGREES 47 MINUTES 07 SECONDS WEST A DISTANCE OF 13.05 FEET TO A POINT, THENCE NORTH 13 DEGREES 47 MINUTES 07 SECONDS WEST A DISTANCE OF 101.80 FEET TO A POINT, THENCE NORTH 09 DEGREES 35 MINUTES 56 SECONDS WEST A DISTANCE OF 19.96 FEET TO A POINT, THENCE NORTH 14 DEGREES 35 MINUTES 56 SECONDS WEST A DISTANCE OF 18.08 FEET TO A POINT, THENCE NORTH 17 DEGREES 41 MINUTES 7 SECONDS EAST A DISTANCE OF 7.19 FEET TO A POINT, THENCE NORTH 14 DEGREES 44 MINUTES 21 SECONDS WEST A DISTANCE OF 18.65 FEET TO A POINT, THENCE NORTH 14 DEGREES 37 MINUTES 46 SECONDS WEST A DISTANCE OF 4.32 FEET TO A POINT, THENCE NORTH 75 DEGREES 22 MINUTES 11 SECONDS EAST A DISTANCE OF 1.18 FEET TO A POINT, THENCE NORTH 23 DEGREES 10 MINUTES 21 SECONDS WEST A DISTANCE OF 4.56 FEET TO A POINT, THENCE SOUTH 67 DEGREES 13 MINUTES 25 SECONDS WEST A DISTANCE OF 1.82 FEET TO A POINT, THENCE SOUTH 69 DEGREES 43 MINUTES 25 SECONDS WEST A DISTANCE OF 20.44 FEET TO A POINT, THENCE SOUTH 72 DEGREES 13 MINUTES 25 SECONDS WEST A DISTANCE OF 20.00 FEET TO A POINT, THENCE SOUTH 69 DEGREES 43 MINUTES 25 SECONDS WEST A DISTANCE OF 19.72 FEET TO A POINT, THENCE SOUTH 69 DEGREES 00 MINUTES 15 SECONDS WEST A DISTANCE OF 39.04 FEET TO A POINT, THENCE SOUTH 67 DEGREES 13 MINUTES 09 SECONDS WEST A DISTANCE OF 390.24 FEET TO A POINT, THENCE SOUTH 67 DEGREES 20 MINUTES 03 SECONDS WEST A DISTANCE OF 15.17 FEET TO A POINT ON THE EASTERN RIGHT OF WAY OF HILLYER STREET, THENCE ALONG SAID RIGHT OF WAY NORTH 18 DEGREES 01 MINUTES 47 SECONDS WEST A DISTANCE OF 20.07 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINS 0.3212 ACRES/13,993 SQ.FT.

**LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT A
(JOSEPH GARGIULO PROPERTY)**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 248 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT LOCATED AT THE INTERSECTION OF THE EASTERN RIGHT OF WAY OF HILLYER STREET (VARIABLE R/W) AND THE SOUTHERN RIGHT OF WAY OF THE GEORGIA RAILROAD (VARIABLE R/W), SAID POINT BEING THE POINT OF BEGINNING. FROM SAID POINT OF BEGINNING AND ALONG THE SOUTHERN RIGHT OF WAY OF THE GEORGIA RAILROAD NORTH 67 DEGREES 19 MINUTES 59 SECONDS EAST A DISTANCE OF 5.77 FEET TO A POINT, THENCE NORTH 67 DEGREES 20 MINUTES 02 SECONDS EAST A DISTANCE OF 4.57 FEET TO A POINT, THENCE NORTH 67 DEGREES 20 MINUTES 05 SECONDS EAST A DISTANCE OF 37.18 FEET TO A POINT, THENCE NORTH 67 DEGREES 40 MINUTES 24 SECONDS EAST A DISTANCE OF 101.73 FEET TO A POINT, THENCE NORTH 67 DEGREES 42 MINUTES 03 SECONDS EAST A DISTANCE OF 111.71 FEET TO A POINT, THENCE NORTH 67 DEGREES 39 MINUTES 15 SECONDS EAST A DISTANCE OF 105.98 FEET TO A POINT, THENCE NORTH 67 DEGREES 28 MINUTES 30 SECONDS EAST A DISTANCE OF 118.65 FEET TO A POINT, THENCE NORTH 67 DEGREES 46 MINUTES 44 SECONDS EAST A DISTANCE OF 43.74 FEET TO A POINT ON THE WESTERN RIGHT OF WAY OF MAPLE STREET (VARIABLE R/W), THENCE LEAVING SAID RIGHT OF WAY OF THE GEORGIA RAILROAD AND ALONG THE WESTERN RIGHT OF WAY OF MAPLE STREET SOUTH 14 DEGREES 37 MINUTES 31 SECONDS EAST A DISTANCE OF 10.37 FEET TO A POINT, THENCE LEAVING SAID RIGHT OF WAY OF MAPLE STREET SOUTH 67 DEGREES 13 MINUTES 25 SECONDS WEST A DISTANCE OF 23.36 FEET TO A POINT, THENCE SOUTH 89 DEGREES 43 MINUTES 25 SECONDS WEST A DISTANCE OF 19.56 FEET TO A POINT, THENCE SOUTH 72 DEGREES 13 MINUTES 25 SECONDS WEST A DISTANCE OF 20.00 FEET TO A POINT, THENCE SOUTH 69 DEGREES 43 MINUTES 25 SECONDS WEST A DISTANCE OF 20.28 FEET TO A POINT, THENCE SOUTH 69 DEGREES 00 MINUTES 15 SECONDS WEST A DISTANCE OF 39.48 FEET TO A POINT, THENCE SOUTH 67 DEGREES 13 MINUTES 09 SECONDS WEST A DISTANCE OF 390.53 FEET TO A POINT, THENCE SOUTH 67 DEGREES 20 MINUTES 03 SECONDS WEST A DISTANCE OF 13.53 FEET TO A POINT ON THE EASTERN RIGHT OF WAY OF HILLYER STREET (VARIABLE R/W), THENCE ALONG SAID RIGHT OF WAY NORTH 18 DEGREES 01 MINUTES 47 SECONDS WEST A DISTANCE OF 9.15 FEET TO A POINT LOCATED AT THE INTERSECTION OF THE EASTERN RIGHT OF WAY OF HILLYER STREET (VARIABLE R/W) AND THE SOUTHERN RIGHT OF WAY OF THE GEORGIA RAILROAD (VARIABLE R/W), SAID POINT BEING THE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINS 0.0966 ACRES/4,206 SQ.FT.

**LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT AREA B
(JOSEPH GARGIULO PROPERTY)**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 248 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT A POINT LOCATED AT THE INTERSECTION OF THE EASTERN RIGHT OF WAY OF HILLYER STREET (VARIABLE R/W) AND THE SOUTHERN RIGHT OF WAY OF THE GEORGIA RAILROAD (VARIABLE R/W), THENCE ALONG THE RIGHT OF WAY OF HILLYER STREET SOUTH 18 DEGREES 01 MINUTES 47 SECONDS EAST A DISTANCE OF 9.15 FEET TO A POINT, THENCE SOUTH 18 DEGREES 01 MINUTES 47 SECONDS EAST 20.07 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING NORTH 67 DEGREES 20 MINUTES 03 SECONDS EAST A DISTANCE OF 15.17 FEET TO A POINT, THENCE NORTH 67 DEGREES 13 MINUTES 09 SECONDS EAST A DISTANCE OF 390.24 FEET TO A POINT, THENCE NORTH 69 DEGREES 00 MINUTES 15 SECONDS EAST A DISTANCE OF 39.04 FEET TO A POINT, THENCE NORTH 69 DEGREES 43 MINUTES 25 SECONDS EAST A DISTANCE OF 19.72 FEET TO A POINT, THENCE NORTH 72 DEGREES 13 MINUTES 25 SECONDS EAST A DISTANCE OF 20.00 FEET TO A POINT, THENCE NORTH 69 DEGREES 43 MINUTES 25 SECONDS EAST A DISTANCE OF 20.44 FEET TO A POINT, THENCE NORTH 67 DEGREES 13 MINUTES 25 SECONDS EAST A DISTANCE OF 1.82 FEET TO A POINT, THENCE SOUTH 23 DEGREES 10 MINUTES 21 SECONDS EAST A DISTANCE OF 4.56 FEET TO A POINT, THENCE SOUTH 75 DEGREES 22 MINUTES 11 SECONDS WEST A DISTANCE OF 1.18 FEET TO A POINT, THENCE SOUTH 75 DEGREES 22 MINUTES 11 SECONDS WEST A DISTANCE OF 45.44 FEET TO A POINT, THENCE SOUTH 14 DEGREES 37 MINUTES 42 SECONDS EAST A DISTANCE OF 8.66 FEET TO A POINT, THENCE SOUTH 75 DEGREES 22 MINUTES 16 SECONDS WEST A DISTANCE OF 19.13 FEET TO A POINT, THENCE SOUTH 14 DEGREES 37 MINUTES 48 SECONDS EAST A DISTANCE OF 2.44 FEET TO A POINT, THENCE SOUTH 69 DEGREES 00 MINUTES 15 SECONDS WEST A DISTANCE OF 35.59 FEET TO A POINT, THENCE SOUTH 67 DEGREES 13 MINUTES 09 SECONDS WEST A DISTANCE OF 390.09 FEET TO A POINT, THENCE SOUTH 67 DEGREES 20 MINUTES 03 SECONDS WEST A DISTANCE OF 15.99 FEET TO A POINT ON THE EASTERN RIGHT OF WAY OF HILLYER STREET, THENCE ALONG SAID RIGHT OF WAY NORTH 18 DEGREES 01 MINUTES 47 SECONDS WEST A DISTANCE OF 10.03 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINS 0.1078 ACRES/4,698 SQ.FT.



12-9-13

**PRIME
ENGINEERING
INCORPORATED**
3715 NORTSIDE PARKWAY NW
30 NORTH CREEK, SUITE 200
ATLANTA, GEORGIA 30327
404-425-7100

DRAWN BY:	JDP
CHECKED BY:	JMW
SCALE:	N.T.S.
DRAWING DATE:	11/18/13
PROJECT NUMBER:	2013-0027

**JOSHEPH GARGIULO EASEMENTS FOR
142 AND 134 MAPLE STREET
PREPARED FOR
DEKALB COUNTY WATERSHED MANAGEMENT
LOCATED IN
LAND LOT 248, 15TH DISTRICT,
DEKALB COUNTY, GA**

APPENDIX C TO EXHIBIT A

APPRAISER'S AFFIDAVIT

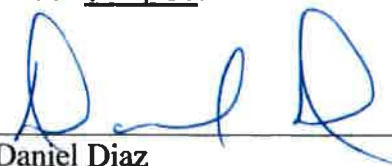
APPENDIX "C" TO EXHIBIT "A"

GEORGIA, DeKalb COUNTY


Personally comes Daniel Diaz, residing at 3906 Oberlin Court Tucker, Georgia, 30084, and states on oath as follows:

1. Affiant was employed by DeKalb County to appraise Parcel No. 7 of the right of way and rights required for construction of Project No. 2013-0027 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 \$ 77,250.


Daniel Diaz
APPRAISER

Sworn to and subscribed before me,
this 02 day of October, 2016.


NOTARY PUBLIC

My commission expires 4/8/18



Parcel No. 7 (142 Maple Street)

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 PUBLIC WATER OR SEWER SYSTEM 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. Sections 22-3-140 and 32-3-1, *et seq.* in the acquisition of certain interests in property for county water or sewer system 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. Sections 22-3-140 and 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 Nathan L. Pawlicki and Katherine H. Clark n/k/a Katherine H. Pawlicki, their successors or assigns. It is further resolved that payment of just and adequate compensation in the amount of two thousand dollars (\$2,000.00) be made to the person or persons entitled to such payment. The Chief Executive Officer, Interim 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 _____, 2017.

DEKALB COUNTY BOARD OF COMMISSIONERS:

KATHIE GANNON
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

[SIGNATURES CONTINUED ON THE FOLLOWING PAGE]


APPROVED by the Chief Executive Officer of DeKalb County this ____ day of _____, 2017.

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

APPROVED AS TO FORM:



Sarah VanVolkenburgh
Counsel for DeKalb County

NOTES:

1. BOUNDARY SURVEY OF PARCELS HAS NOT BEEN PERFORMED BY PRIME ENGINEERING, INC.

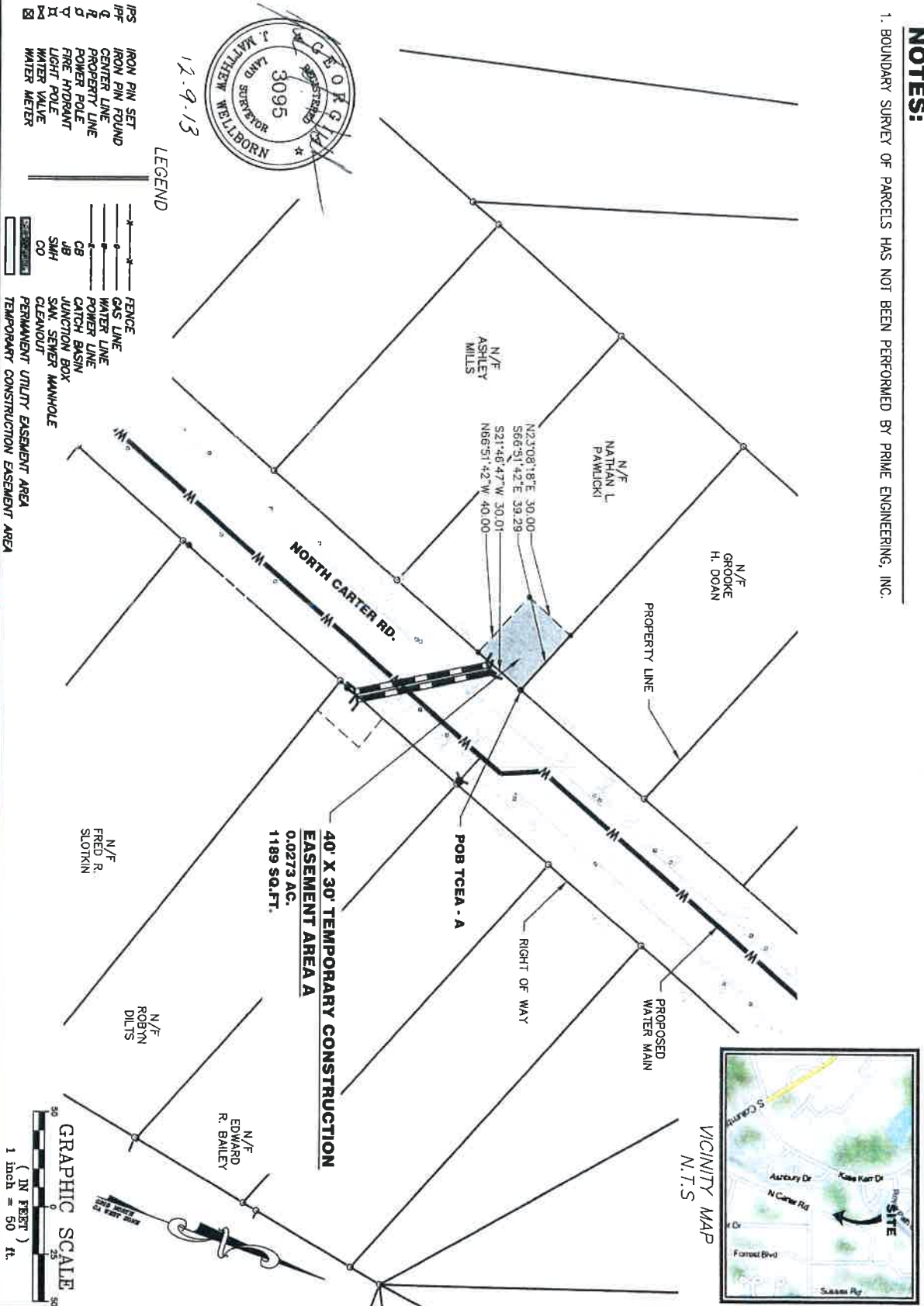


Exhibit A
Page 1 of 2

<p>1 OF 2</p>	<p>NATHAN L. PAWLICKI EASEMENTS FOR: 993 NORTH CARTER ROAD PREPARED FOR: DEKALB COUNTY WATERSHED MANAGEMENT LOCATED IN: LAND LOT 233, 15TH DISTRICT, DEKALB COUNTY, GA</p>	<p>DRAWN BY: JDP</p>	<p>PRIME ENGINEERING INCORPORATED 3715 NORTHSIDE PARKWAY NW 300 NORTHCREEK, SUITE 200 ATLANTA, GEORGIA 30327 404-425-7100</p>
	<p>CHECKED BY: JMW</p>		
	<p>SCALE: 1" = 50'</p>		
	<p>DRAWING DATE: 11/18/13</p>		
	<p>PROJECT NUMBER: 2013-0027</p>		

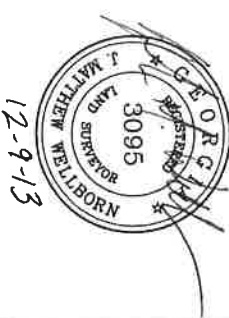
LEGAL DESCRIPTION
 TEMPORARY CONSTRUCTION EASEMENT AREA
 (ROBYN DILTS PROPERTY)

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 233 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST PROPERTY CORNER OF 993 NORTH CARTER ROAD (60' RIGHT OF WAY), SAID POINT BEING THE POINT OF BEGINNING;

FROM SAID POINT OF BEGINNING AND ALONG THE NORTH WESTERLY RIGHT OF WAY OF NORTH CARTER ROAD SOUTH 21 DEGREES 46 MINUTES 47 SECONDS WEST A DISTANCE OF 30.01 FEET TO A POINT, THENCE LEAVING SAID RIGHT OF WAY NORTH 66 DEGREES 51 MINUTES 42 SECONDS WEST A DISTANCE OF 40.00 FEET TO A POINT, THENCE NORTH 23 DEGREES 08 MINUTES 18 SECONDS EAST A DISTANCE OF 30.00 FEET TO A POINT, THENCE SOUTH 66 DEGREES 51 MINUTES 42 SECONDS EAST A DISTANCE OF 39.29 FEET TO A POINT ON THE NORTH WESTERLY RIGHT OF WAY OF NORTH CARTER ROAD, SAID POINT BEING THE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINS 0.0273 ACRES/1189 SQ.FT.



PRIME ENGINEERING
 INCORPORATED
 3715 NORTHSIDE PARKWAY NW
 300 NORTHCREEK, SUITE 200
 ATLANTA, GEORGIA 30327
 404-425-7100

DRAWN BY:	JDP
CHECKED BY:	JMW
SCALE:	N.T.S.
DRAWING DATE:	11/18/13
PROJECT NUMBER:	2013-0027

NATHAN L. PAWLICKI EASEMENTS FOR:
 993 NORTH CARTER ROAD
 PREPARED FOR:
 DEKALB COUNTY WATERSHED MANAGEMENT
 LOCATED IN:
 LAND LOT 233, 15TH DISTRICT,
 DEKALB COUNTY, GA

2 OF 2

EXHIBIT "A"

DECLARATION OF TAKING

WHEREAS, DeKalb County, Georgia has made and passed a Resolution finding that the circumstances in connection with acquiring certain interests in property and easements for public (county) water and/or sewer 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, a certified copy/duplicate original of which is attached to this Declaration as Appendix A to Exhibit "A," and made a part hereof, under O.C.G.A. §§ 22-3-140 and 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-referred 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 \$2,000.00 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.* and O.C.G.A. § 22-3-140 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, replacing, extending, expanding, and/or installing infrastructure for a public (county) water and/or sewer purposes.

DEKALB COUNTY BOARD OF COMMISSIONERS:

KATHIE GANNON
Presiding Officer
Board of Commissioners
DeKalb County, Georgia


APPROVED by the Chief Executive Officer of DeKalb County this ____ day of _____, 2017.

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

APPROVED AS TO FORM:



Sarah VanVolkenburgh
Georgia Bar No. 481771
JARRARD & DAVIS, LLP
105 Pilgrim Village Drive, Suite 200
Cumming, Georgia 30040
(678) 455-7150 – telephone
(678) 455-7149 – facsimile
Attorney for Condemnor

APPENDIX A TO EXHIBIT A
RESOLUTION AND ORDER OF BOARD OF COMMISSIONERS

**ORDER OF THE DEKALB COUNTY BOARD OF COMMISSIONERS TO CONDEMN
PROPERTY FOR PURPOSES OF CONSTRUCTING AND IMPROVING A PUBLIC
WATER AND/OR SEWER SYSTEM PROJECT**

WHEREAS, the Board of Commissioners of DeKalb County has laid out and determined to construct and improve a public water and/or sewer system project for DeKalb County at that certain parcel identified for tax purposes as parcel identification number 15-233-01-010 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 (Exhibit “A” to the Petition for Condemnation).

WHEREAS, the tract of property and other rights as herein described and as 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:	1,189 Square Feet of Temporary Construction Easement
Owner:	Nathan L. Pawlicki; Katherine H. Clark n/k/a Katherine H. Pawlicki

NOW THEREFORE, in accordance with O.C.G.A. §§ 22-3-140 and 32-3-6(b)(6) and (c), 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 be acquired by condemnation under the provisions of O.C.G.A. §§ 22-3-140 and 32-3-1 *et seq.* for public water and/or sewer system purposes.

IT IS ORDERED that DeKalb County proceed to acquire the title, estate or interest in the lands hereinafter described in Appendix B of the Declaration of Taking (Exhibit “A” to the

Petition for Condemnation) by condemnation under the provisions of said Code, and the County Attorney 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 _____, 2017.

DEKALB COUNTY BOARD OF COMMISSIONERS:

KATHIE GANNON
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County this _____ day of _____, 2017.

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

[SIGNATURES CONTINUED ON THE FOLLOWING PAGE]

APPROVED AS TO FORM:



Sarah VanVolkenburgh

Georgia Bar No. 481771

JARRARD & DAVIS, LLP

105 Pilgrim Village Drive, Suite 200

Cumming, Georgia 30040

(678) 455-7150 – telephone

(678) 455-7149 – facsimile

Attorney for Condemnor

APPENDIX B TO EXHIBIT A
LEGAL DESCRIPTION AND PLAT

LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT AREA
(NATHAN PAWLICKI)
SCOTT BOULEVARD PROJECT – PARCEL 10

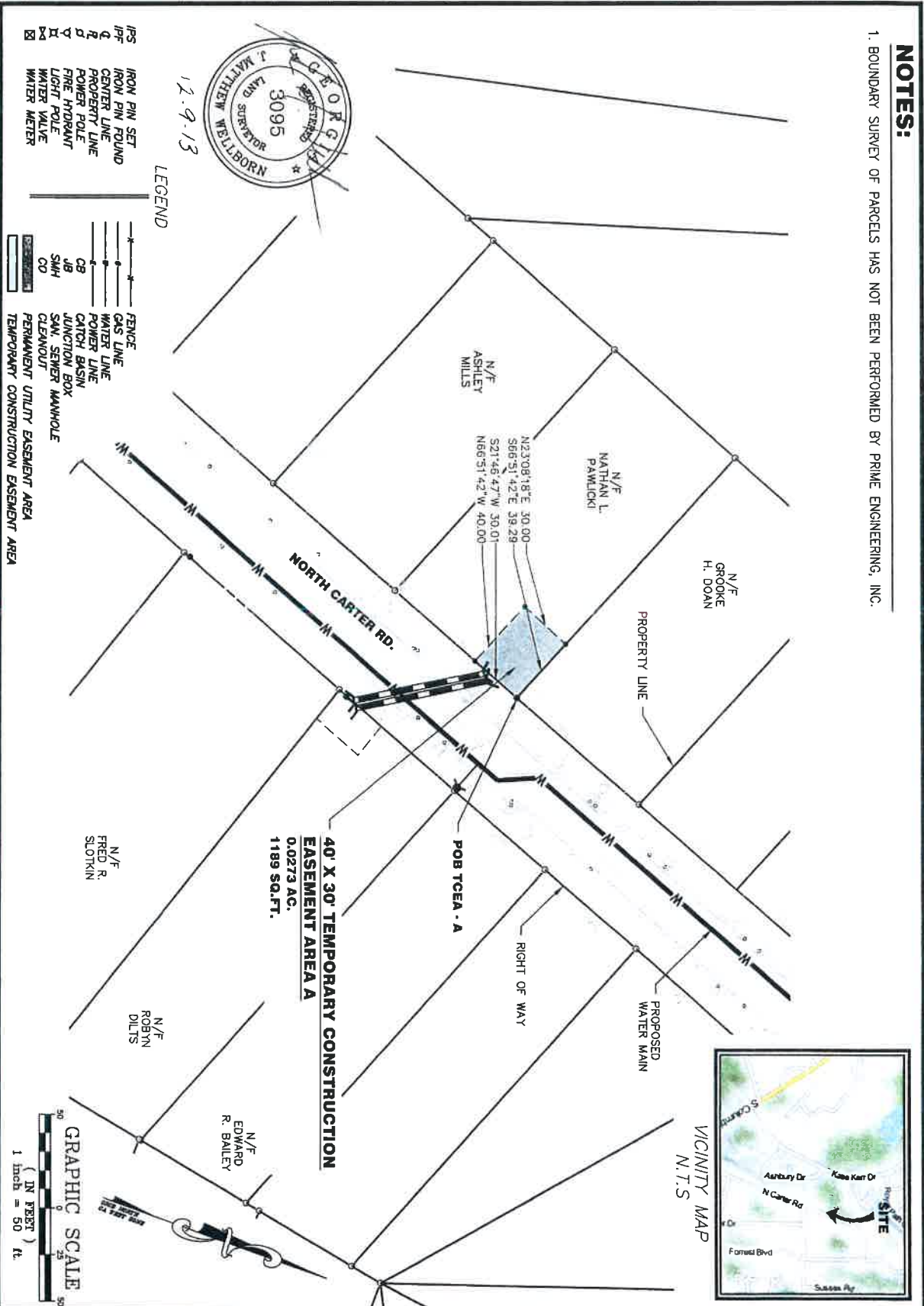
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 233 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST PROPERTY CORNER OF 993 NORTH CARTER ROAD (60' RIGHT OF WAY), SAID POINT BEING THE POINT OF BEGINNING:

FROM SAID POINT OF BEGINNING AND ALONG THE NORTH WESTERLY RIGHT OF WAY OF NORTH CARTER ROAD SOUTH 21 DEGREES 46 MINUTES 47 SECONDS WEST A DISTANCE OF 30.01 FEET TO A POINT, THENCE LEAVING SAID RIGHT OF WAY NORTH 66 DEGREES 51 MINUTES 42 SECONDS WEST A DISTANCE OF 40.00 FEET TO A POINT, THENCE NORTH 23 DEGREES 08 MINUTES 18 SECONDS EAST A DISTANCE OF 30.00 FEET TO A POINT, THENCE SOUTH 66 DEGREES 51 MINUTES 42 SECONDS EAST A DISTANCE OF 39.29 FEET TO A POINT ON THE NORTH WESTERLY RIGHT OF WAY OF NORTH CARTER ROAD, SAID POINT BEING THE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINS 0.0273 ACRES/1189 SQ.FT. SAID EASEMENT IS TO BECOME EFFECTIVE AT THE BEGINNING OF CONSTRUCTION OF THE PROJECT AND WILL EXPIRE ON DECEMBER 28, 2019, OR UPON COMPLETION AND FINAL ACCEPTANCE OF SAID PROJECT BY DEKALB COUNTY, WHICHEVER SHALL FIRST OCCUR.

NOTES:
 1. BOUNDARY SURVEY OF PARCELS HAS NOT BEEN PERFORMED BY PRIME ENGINEERING, INC.



<p>1 OF 2</p>	<p>NATHAN L. PAWLICKI EASEMENTS FOR: 993 NORTH CARTER ROAD PREPARED FOR: DEKALB COUNTY WATERSHED MANAGEMENT LOCATED IN: LAND LOT 233, 15TH DISTRICT, DEKALB COUNTY, GA</p>	<p>DRAWN BY: JDP</p>	<p>PRIME ENGINEERING INCORPORATED 3715 NORTHSIDE PARKWAY NW 300 NORTHCREEK, SUITE 200 ATLANTA, GEORGIA 30327 404-425-7100</p>
	<p>CHECKED BY: JMW</p>	<p>SCALE: 1" = 50'</p>	
	<p>DRAWING DATE: 11/18/13</p>	<p>PROJECT NUMBER: 2013-0027</p>	
	<p>GRAPHIC SCALE 1 inch = 50 ft</p>		
	<p>VICINITY MAP N.T.S.</p>		

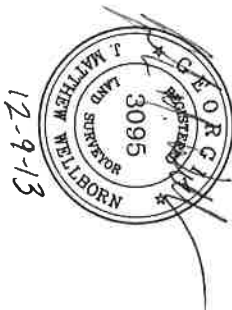
LEGAL DESCRIPTION
 TEMPORARY CONSTRUCTION EASEMENT AREA
 (ROBYN DILTS PROPERTY)

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 233 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST PROPERTY CORNER OF 983 NORTH CARTER ROAD (60' RIGHT OF WAY), SAID POINT BEING THE POINT OF BEGINNING:

FROM SAID POINT OF BEGINNING AND ALONG THE NORTH WESTERLY RIGHT OF WAY OF NORTH CARTER ROAD SOUTH 21 DEGREES 48 MINUTES 47 SECONDS WEST A DISTANCE OF 30.01 FEET TO A POINT, THENCE LEAVING SAID RIGHT OF WAY NORTH 66 DEGREES 51 MINUTES 42 SECONDS WEST A DISTANCE OF 40.00 FEET TO A POINT, THENCE NORTH 23 DEGREES 08 MINUTES 18 SECONDS EAST A DISTANCE OF 30.00 FEET TO A POINT, THENCE SOUTH 68 DEGREES 51 MINUTES 42 SECONDS EAST A DISTANCE OF 39.29 FEET TO A POINT ON THE NORTH WESTERLY RIGHT OF WAY OF NORTH CARTER ROAD, SAID POINT BEING THE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINS 0.0273 ACRES/1189 SQ.FT.



2 OF 2

NATHAN L. PAWLICKI EASEMENTS FOR:
 993 NORTH CARTER ROAD
 PREPARED FOR:
 DEKALB COUNTY WATERSHED MANAGEMENT
 LOCATED IN:
 LAND LOT 233, 15TH DISTRICT,
 DEKALB COUNTY, GA

DRAWN BY: JDP
 CHECKED BY: JMW
 SCALE: N.T.S.
 DRAWING DATE: 11/18/13
 PROJECT NUMBER: 2013-0027

PRIME ENGINEERING
 INCORPORATED
 3715 NORTHSIDE PARKWAY NW
 300 NORTHCREEK, SUITE 200
 ATLANTA, GEORGIA 30327
 404-425-7100

APPENDIX C TO EXHIBIT A
APPRAISER'S AFFIDAVIT

APPENDIX "C" TO EXHIBIT "A"

GEORGIA, DeKalb COUNTY

Personally comes Daniel Diaz, residing at 3906 Oberlin Court Tucker, Georgia, 30084, and states on oath as follows:

1. Affiant was employed by DeKalb County to appraise Parcel No. 10 of the right of way and rights required for construction of Project No. 2013-0027 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 \$ 2,000.

Daniel Diaz
APPRAISER

Sworn to and subscribed before me,
this 20 day of October, 2014

NOTARY PUBLIC

My commission expires 4/8/18

DOROTHEA A PRESSLEY
Notary Public
Gwinnett County
State of Georgia
My Commission Expires Apr 8, 2018

Parcel No. 10 (993 North Carter Road)