

**RESOLUTION AND ORDER OF DEKALB COUNTY, GEORGIA  
AUTHORIZING CONDEMNATION BY DECLARATION OF TAKING  
METHOD PURSUANT TO THE PROVISIONS OF O.C.G.A. §§ 32-3-4 ET  
SEQ. OF A TRACT OF LAND COMPRISED CERTAIN EASEMENT  
RIGHTS, BEING PROJECT PARCEL 47, LAND LOT 189 OF THE 15<sup>th</sup>  
DISTRICT, DEKALB COUNTY, GEORGIA**

WHEREAS, pursuant to Article 9, Paragraph 5 of the Georgia Constitution, counties may acquire private property in fee simple or in any lesser interest by eminent domain for public purposes; and

WHEREAS, DeKalb County, Georgia has laid out and determined to construct, improve and maintain a public road in DeKalb County, Georgia as part of a local project commonly known and designated as **Glenwood Road Sidewalk Project – Phase III** and being more fully shown on a map and drawing on file in the office of DeKalb County, Georgia and on DeKalb County, Georgia's website; and

WHEREAS, Section 4 of Chapter 3 of Title 32 of the Official Code of Georgia Annotated and following sections authorize DeKalb County, Georgia to file a condemnation proceeding *in rem* under a method known as the Declaration of Taking to acquire private property interests for public road or other public transportation purposes upon payment of just and adequate compensation therefore to the person or persons entitled to such payment upon the Chief Executive Officer and Board of Commissioners' finding that circumstances are appropriate and necessary for the use of said method;

WHEREAS, the Chief Executive Officer and Board of Commissioners of DeKalb County, Georgia find and believe the circumstances are appropriate for the use of the Declaration of Taking method to acquire property for public road or other public transportation purposes belonging to Promise Homes Borrower I, LLC, being known as project Parcel 47, Land Lot 189 of the 15<sup>th</sup> District, DeKalb, County, Georgia, for one or more of the reasons set forth in O.C.G.A. § 32-3-4

as the same may be amended from time to time, including, but not limited to, a desire in the interests of justice to have judicial ascertainment of any and all questions connected with the condemnation.

WHEREAS, to maintain DeKalb County, Georgia's projected schedule of road construction, it is appropriate and necessary for the easements rights for the construction of said project be acquired without delay; and

WHEREAS, the easement rights as herein described and as listed below, shown of record as owned by the person named herein, all as described and shown in the annexes to this order hereinafter enumerated, all of said annexes, by reference made a part of this order, are essential for the construction of said project:

Certain Easement Rights

Appendix 1 – Annex I –

Legal Description

Annex II –

Plat

Owner:

Promise Homes Borrower I, LLC; All unknown tenants, occupants, lessees or the like at 4688 Glenwood Road, Decatur, GA 30035; Irvin J. Johnson, DeKalb County Tax Commissioner; Honorable Bedelia C. Hargrove, DeKalb County Probate Judge; and any and all others having or claiming interest therein in the described lands, individually

NOW, THEREFORE, the Chief Executive Officer and the Board of Commissioners of DeKalb County, Georgia find the circumstances are such that it is appropriate and necessary easement rights as described in the annexes to this Resolution and Order be acquired by condemnation under the provisions of the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19; and

IT IS ORDERED that DeKalb County, Georgia proceed to acquire the title, estate or interest in the lands hereinafter described in the annexes to this Resolution and Order by condemnation under the provisions of said Code, and DeKalb County, Georgia's attorneys and its outside attorneys 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 Code, and the Chief Executive Officer is authorized to execute this Resolution and Order, a Declaration of Taking and any other documents necessary to effectuate the same.

This \_\_\_\_\_ day of \_\_\_\_\_, 2025.

DEKALB COUNTY BOARD OF COMMISSIONERS

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Michelle Long Spears  
Board of Commissioner  
DeKalb County, Georgia

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

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Lorraine Cochran-Johnson  
Chief Executive Officer  
DeKalb County, Georgia

ATTEST:

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Barbara H. Sanders-Norwood, CCC  
Clerk to the DeKalb County, Georgia  
Board of Commissioners and Chief Executive Officer

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

**Legal Description**

PROJECT NAME: Glenwood Road Sidewalk Project – Phase III  
COUNTY: DeKalb County  
PROPERTY TAX ID NO.: 15-189-02-040  
PARCEL NO.: 47  
DATE OF R/W/ PLANS: April 12, 2022  
LAST REVISED PLANS: Drawing No. 60-0016 on August 5, 2022, and No. 60-0030 on May 6, 2025  
CERTAIN EASEMENT RIGHTS:  
PROPERTY OWNERS: Promise Homes Borrower I, LLC; All unknown tenants, occupants, lessees or the like at 4688 Glenwood Road, Decatur, GA 30035; Irvin J. Johnson, DeKalb County Tax Commissioner; Honorable Bedelia C. Hargrove, DeKalb County Probate Judge; and any and all others having or claiming interest therein in the described lands, individually

**TEMPORARY CONSTRUCTION EASEMENT CONTAINING 1,050.00 S.F.**

All that tract or parcel of land lying and being in Land Lot 189 of the 15th Land District of DeKalb County, Georgia, being shown described within on the attached plats marked and being more particularly described as follows:

Beginning at point 48 being 35.00 feet left of and opposite Station 178+79.84 on the construction centerline of GLENWOOD ROAD on DeKalb County Project Glenwood Road Sidewalks Improvements - Phase III; running thence N 2°23'24.9" E a distance of 49.00 feet to point DE10201 being 49.00 feet left of and opposite station 178+79.84 on said construction centerline laid out for GLENWOOD ROAD; thence S 87°36'35.1" E a distance of 35.00 feet to point DE10202 being 49.00 feet left of and opposite station 179+54.84 on said construction centerline laid out for GLENWOOD ROAD; thence S 2°23'24.9" W a distance of 14.00 feet to point 50 being 35.00 feet left of and opposite station 179+54.84 on said construction centerline laid out for GLENWOOD ROAD; thence N 87°36'35.1" W a distance of 35.00 feet back to the point of beginning.

Consisting of 1,050.00 square feet more or less

Said temporary easement is condemned for the right to construct slopes and is shown described within on the attached plats dated 04/12/22, Drawing Nos. 60-0016 last revised on August 5, 2022, and No. 60-0030 on May 6, 2025. Said temporary construction easement shall expire upon completion and acceptance of the project.

**TEMPORARY DRIVEWAY EASEMENT**

Also taken is a temporary easement for the construction of a driveway as shown on the attached plat as follows:

All that tract or parcel of land lying and being in Land Lot 189 of the 15th Land District of DeKalb County, Georgia, being shown described within on the attached plats marked and being more particularly described as follows:

Beginning at a point 49.00 feet left of and opposite Station 179+24.00 on the construction centerline laid out for GLENWOOD ROAD; running thence N 2°23'24.9" E a distance of 6.00 feet to point 55.00 feet left of and opposite station 179+24.00 on said construction centerline laid out for GLENWOOD ROAD; thence S 87°36'35.1" E a distance of 30.84 feet to a point 55.00 feet left of and opposite station 179+54.84 on said construction centerline laid out for GLENWOOD ROAD; thence S 2°23'24.9" W a distance of 6.00 feet to point 49.00 feet left of and opposite station 179+54.84 on said construction centerline laid out for GLENWOOD ROAD; thence N 87°36'35.1" W a distance of 30.84 feet back to the point of beginning.

Containing 0.004 acres more or less.

Said temporary driveway easement is shown on the attached plats dated 04/12/22, Drawing Nos. 60-0016 last revised on August 5, 2022 and No. 60-0030 on May 6, 2025. Said temporary driveway easement will expire upon completion and acceptance of the project and the driveway constructed therein will remain in place for use by the Condemnees.

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

**Plat**

DeKalb County, Georgia

I, Barbara H. Sanders-Norwood, do hereby certify that I am DeKalb County, Georgia's County Clerk.

I further certify the foregoing \_\_\_\_\_ pages constitute a true and correct exact copy of an Resolution and Order of DeKalb County, Georgia entered on the \_\_\_\_ day of \_\_\_\_\_, 2025 as the same applies to the tract or parcel of land described in said \_\_\_\_\_ pages; and the original of said Resolution and Order is on file at my office at 1300 Commerce Drive, Decatur, Georgia 30030.

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

\_\_\_\_\_  
Barbara H. Sanders-Norwood, CCC  
Clerk to the DeKalb County, Georgia  
Board of Commissioners and Chief Executive  
Officer