

**RESOLUTION AND ORDER OF THE DEKALB COUNTY BOARD OF
COMMISSIONERS AUTHORIZING CONDEMNATION BY DECLARATION OF
TAKING METHOD PURSUANT TO O.C.G.A. §§ 22-3-140 and 32-3-1, ET SEQ. OF
CERTAIN PROPERTY SITUATED IN DEKALB COUNTY, GEORGIA,
FOR PUBLIC SANITARY SEWER COLLECTION AND TREATMENT AND
WASTEWATER PURPOSES**

WHEREAS, DeKalb County, Georgia has determined it necessary to inspect, repair, replace, construct and maintain a certain public sanitary sewer line or line(s), as part of a capital improvement project known as 2021 Capital Improvement Project and being more fully shown on a map and drawing on file in the office of the DeKalb County Watershed Management; and

WHEREAS, Section 140 of Chapter 3 of Title 22 and Section 1 of Chapter 3 of Title 32 of the Official Code of Georgia Annotated and the latter's subsequent sections authorized DeKalb County, Georgia to file a condemnation proceeding *in rem* under a method known as the Declaration of Taking to acquire certain private property interests for public sanitary sewage collection and treatment service and water and wastewater service purposes upon payment of just and adequate compensation therefore to the person(s) entitled to such payment upon the CEO and Board of Commissioner's finding that circumstances are appropriate and necessary for the use of said method;

WHEREAS, the CEO and Board of Commissioners of DeKalb County, Georgia find and believe the circumstances are appropriate for the use of the Declaration of Taking method to acquire property for public sanitary sewage collection and treatment and wastewater service purposes belonging to Tommie Tuff and being shown as project Parcel 18-014-042 for one or more reasons as set forth in the above-mentioned code sections as the same may be amended from time to time, including a desire in the interests of justice to have judicial ascertainment of any and all questions connected with the condemnation.

WHEREAS, to maintain DeKalb County, Georgia's projected schedule of said inspection, maintenance, operation, repair, replacement, and construction of said sanitary sewer line or lines, it is necessary that the easements for said project be acquired without delay; and

WHEREAS, the easements and other rights as herein described and as listed below, shown of record as owned by the person named herein, all as described and shown in the annexes/exhibits to this Resolution and Order hereinafter enumerated, all said annexes/exhibits, being by reference made a part of this Resolution and Order, are essential for the construction of said project:

Certain Easement Rights: 1429 sq. ft. of permanent easement and 822 sq. ft. of Temporary Construction Easement

Appendix 1A Legal Description of Easements

Appendix 1B Plat

Owners: Tommie Tuff

NOW, THEREFORE, the CEO and Board of Commissioners of DeKalb County, Georgia finds that the circumstances are such that it is necessary that the easements, as described in the annexes/exhibits to this Resolution and Order be acquired by condemnation under the provisions of the Official Code of Georgia Annotated Sections 22-3-140 and 32-3-1 et seq. for public sanitary sewer collection and treatment and water and wastewater purposes; and

IT IS ORDERED that DeKalb County, Georgia proceed to acquire the title, estate or interest in the lands hereinafter described in the Exhibits to this Resolution and Order by condemnation under the provisions of said Code, and that DeKalb County, Georgia's attorneys, or its assignees, are authorized and directed to file condemnation proceedings, including a Declaration of Taking, to acquire said easements, estate or interest in said lands and to deposit in the Court the sum estimated as just compensation, all in accordance with the provisions of said

Code, and the Presiding Officer is authorized to execute this Resolution and Order, a Declaration of Taking and any other documents necessary to effectuate the same.

SO ORDERED by the DeKalb County Board of Commissioners this [REDACTED] day of [REDACTED], 2023.

**DEKALB COUNTY
BOARD OF COMMISSIONERS**

ROBERT PATRICK
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, Georgia this [REDACTED] day of [REDACTED], 2023.

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:

Patrise Perkins-Hooker
Georgia Bar Number 572358
Johnson & Freeman, LLC
3915 Cascade Road
Suite 205
Atlanta, GA 30311
770-415-1026
pperkins-hooker@jflc.com

Appendix 1A

PROJECT NO.: 18-014
PARCEL NO: 42
Property Owner: Tommie Tuff

Permanent Sewer Easement

ALL that tract or parcel of land lying and being in Land Lot 46 of the 18th District of DeKalb County, Georgia, and being more particularly described as follows:

COMMENCING at point at the intersection of the southerly right-of-way of Robinson Avenue (28' R/W) and the westerly right-of-way of Reed Street (34' R/W) with Georgia West State Plane Coordinates (N=1378854.09, E=2268721.28):

Thence along the westerly right-of-way of Reed Street South 01 degrees 13 minutes 14 seconds West 21.30 feet to a point, said point being THE POINT OF BEGINNING;

Thence continuing along said right-of-way South 01 degrees 13 minutes 14 seconds West 78.70 feet to a point;

Thence leaving said right -of-way North 88 degrees 46 minutes 46 seconds West 4.91 feet to a point;

Thence North 09 degrees 54 minutes 13 seconds West 101.91 feet to a point on the southerly right-of-way of Robinson Avenue;

Thence along said right-of-way South 88 degrees 46 minutes 46 seconds East 20.38 feet to a point;

Thence leaving said right-of-way South 09 degrees 54 minutes 13 seconds East 21.71 feet to a point on the westerly right of way of Reed Street, said point being THE POINT OF BEGINNING;

Said tract being 0.03 acres, 1429 square feet, more or less as shown on Exhibit of New Sanitary Sewer Easement for Tommie Tuff.

Temporary Construction Easement #1

ALL that tract or parcel of land lying and being in Land Lot 46, 18th District of DeKalb County, Georgia, and being more particularly described as follows:

COMMENCING at a point at the intersection of the southerly right-of-way of Robinson Avenue (28'R/W) and the westerly right-of-way of Reed Street (34' R/W) with Georgia West State Plane

Coordinates (N=1378854.09, E=2268721.28), said point being THE POINT OF BEGINNING;

Thence along the westerly right-of-way of Reed Street South 01 degrees 13 minutes 14 seconds West 21.30 feet to a point;

Thence leaving said right-of-way North 09 degrees 54 minutes 13 seconds West 21.71 feet to a point on the southerly right-of-way of Robinson Avenue;

Thence along said right-of-way South 88 degrees 46 minutes 46 seconds East 4.19 feet to a point, said point being THE POINT OF BEGINNING;

Said tract being 0.00 acres, 45 square feet, more or less as shown on Exhibit of New Sanitary Sewer Easement for Tommie Tuff.

Temporary Construction Easement #2

ALL that tract or parcel of land lying and being in Land Lot 46, 18th District of DeKalb County, Georgia, being more particularly described as follows:

COMMENCING at a point at the intersection of the southerly right-of-way of Robinson Avenue (28' R/W) and the westerly right-of-way of Reed Street (34' R/W) with Georgia West State Plane Coordinates (N=1378854.09, E=2268721.28);

Thence along the westerly right-of-way of Reed Street South 01 degrees 13 minutes 14 seconds West 100.00 feet to a point;

Thence leaving said right-of-way North 88 degrees 46 minutes 46 seconds West 4.91 feet to a point, said point being THE POINT OF BEGINNING;

Thence North 88 degrees 46 minutes 46 seconds West 10.19 feet to a point;

Thence North 09 degrees 54 minutes 13 seconds West 51.32 feet to a point;

Thence North 01 degrees 13 minutes 14 seconds East 49.65 feet to a point on the southerly right-of-way of Robinson Avenue;

Thence along said right-of-way South 88 degrees 46 minutes 46 seconds East 0.43 feet to a point;

Thence leaving said right-of-way South 09 degrees 54 minutes 13 seconds East 101.91 feet to a point on the westerly right-of-way of Reed Street, said point being THE POINT OF BEGINNING;

Said tract being 0.02 acres, 777 square feet, more or less as shown on Exhibit of New Sanitary Sewer Easement for Tommie Tuff.

Appendix 1B
Plat

GEORGIA, DEKALB COUNTY

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

I further certify that the foregoing [REDACTED] pages constitute a true and correct exact copy of an Order of the Dekalb County Board of Commissioners, entered on the [REDACTED] day of [REDACTED], 2023 as same applies to the tract or parcel of land described in said [REDACTED] pages; and the original of said Order is on file at my office at 1300 Commerce Drive, Decatur, Georgia.

Given under my hand and the Seal of the DeKalb County Board of Commissioners, this [REDACTED] day of [REDACTED], 2023.

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

PROPERTY DESCRIPTION

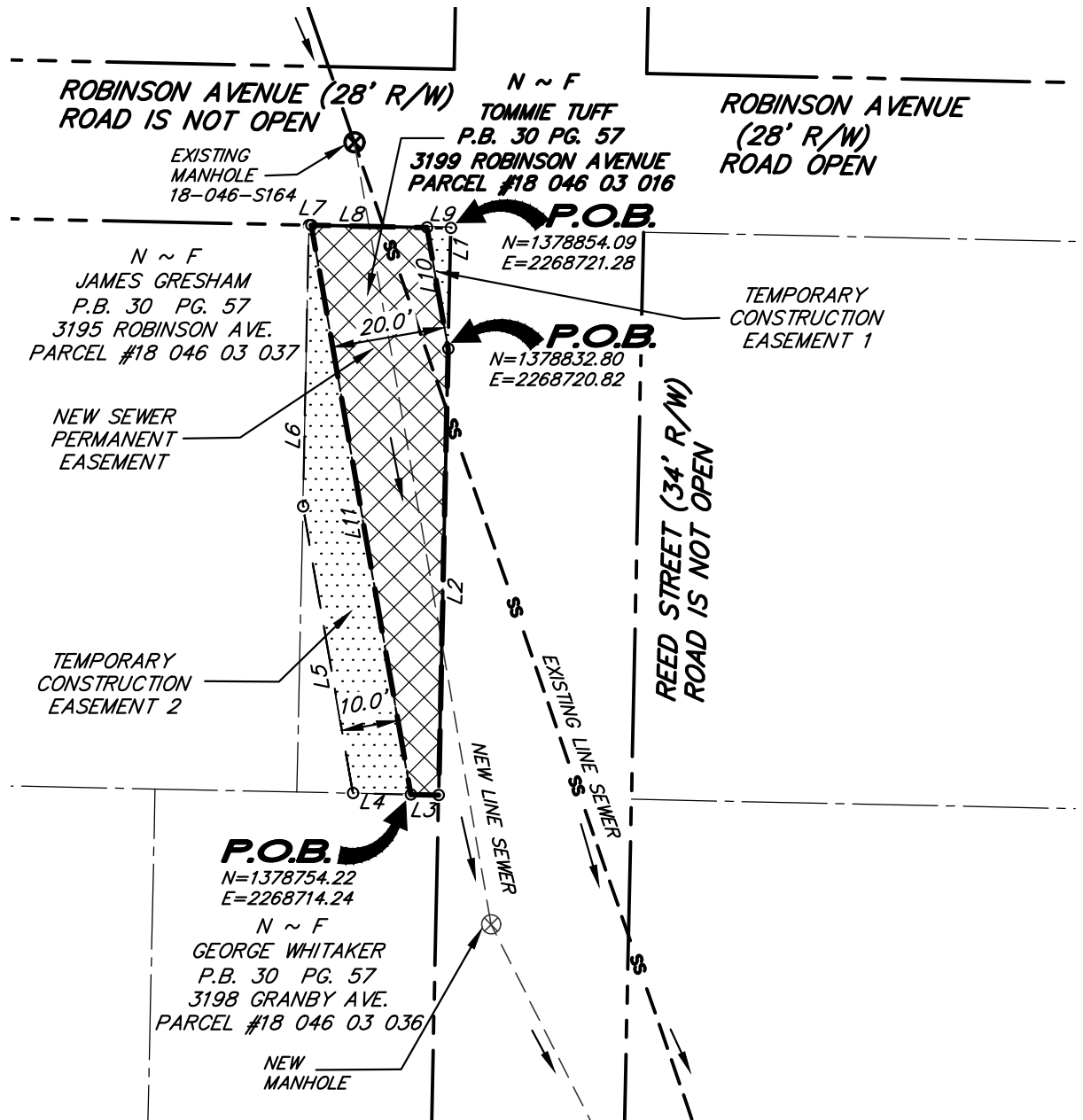
EXHIBIT 1

NOTES:

1. AREA:
NEW SEWER PERMANENT EASEMENT 0.03 AC. OR 1429 SQ. FT.
TEMPORARY CONSTRUCTION EASEMENT 1 0.00 AC. OR 45 SQ. FT.
TEMPORARY CONSTRUCTION EASEMENT 2 0.02 AC. OR 777 SQ. FT.
2. THE FOLLOWING REFERENCES WERE USED IN PREPARING THIS SURVEY:
A. SANITARY SEWER PLAN AND PROFILE FOR PACKAGE 7, COMPONENT 3 PROVIDED BY ARCADIS.
B. P.B. 30 PG. 57
3. GASKINS LOCATED PROPERTY EVIDENCE USING CONTROL PROVIDED BY ARCADIS.
4. THE PURPOSE OF THIS PLAT IS TO CREATE A PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY EASEMENTS TO CONSTRUCT A NEW SANITARY SEWER LINE.
5. THE UNITS FOR THIS SURVEY ARE U.S. SURVEY FEET.
6. THE BASIS OF BEARINGS IS GRID NORTH, NAD 83 2011 GEORGIA STATE PLANE WEST.
7. THIS PLAT FOR THE NEW EASEMENT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITH IN ONE FOOT IN 29,675 FEET.
8. NO CERTIFICATION IS MADE PERTAINING TO ANY EXISTING CONDITIONS SHOWN HEREON.

CLERK OF THE SUPERIOR COURT
RECORDING INFORMATION

LINE	BEARING	DISTANCE
1	S1°13'14"W	21.30'
2	S1°13'14"W	78.70'
3	N88°46'46"W	4.91'
4	N88°46'46"W	10.19'
5	N9°54'13"W	51.32'
6	N1°13'14"E	49.65'
7	S88°46'46"E	0.43'
8	S88°46'46"E	20.38'
9	S88°46'46"E	4.19'
10	N9°54'13"W	21.71'
11	N9°54'13"W	101.91'

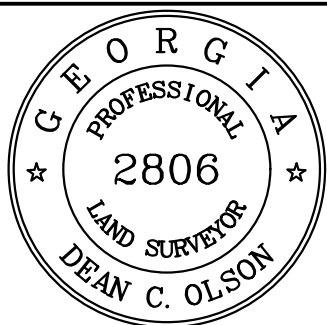


GRID NORTH ~ GA. WEST ZONE

THE PROPERTY HEREON LIES COMPLETELY WITHIN A JURISDICTION WHICH DOES NOT REVIEW ANY PLATS OR THIS TYPE OF PLAT PRIOR TO RECORDING. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

LEGEND

- NEW SEWER PERMANENT EASEMENT LINE
- NEW OR REPLACED SANITARY SEWER LINE
- EXISTING SANITARY SEWER LINE **SS**
- NEW SANITARY SEWER MANHOLE ⊗
- EXISTING SANITARY SEWER MANHOLE ⊗
- PROPERTY LINE
- EXISTING RIGHT-OF-WAY



Dean C. Olson

04-14-2021
DATE

DRAWN BY: TBS
CHECKED BY: DCO
FILE: P: ARCADIS/DEKALB
FIELD DATE: 12/08/2020
OFFICE DATE: 04/02/2021
SCALE: 1"=30'
REVISIONS
04/14/2021
ADDRESS COMMENTS



ENGINEERING • SURVEYING • PLANNING/CONSULTING • CONSTRUCTION MGMT
www.gscsurvey.com LSF# 789

- | | |
|---|---|
| <p><i>Marietta Office</i>
1266 Powder Springs Rd
Marietta, GA 30064
Phone: (770) 424-7168</p> <p><i>Lawrenceville Office</i>
558 Old Norcross Rd Ste. 204
Lawrenceville, GA 30046
Phone: (770) 299-1005</p> | <p><i>Canton Office</i>
147 Reinhardt College Pkwy
Ste. 3 Canton, GA 30114
Phone: (770) 479-9698</p> <p><i>Newnan Office</i>
4046 Ga. Hwy. 154, Ste. 109
Newnan, GA 30265
Phone: (770) 424-7168</p> |
|---|---|

EXHIBIT OF A NEW SANITARY SEWER EASEMENT FOR:

TOMMIE TUFF

LOCATED IN L.L. 46
18th DISTRICT
DEKALB COUNTY, GA.

LEGAL DESCRIPTION

NEW SEWER PERMANENT EASEMENT

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 46 OF THE 18 DISTRICT, DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY OF ROBINSON AVENUE (28'R/W) AND THE WESTERLY RIGHT-OF-WAY OF REED STREET (34'R/W) WITH GEORGIA WEST STATE PLANE COORDINATES (N=1378854.09, E=2268721.28);

THENCE ALONG THE WESTERLY RIGHT-OF-WAY OF REED STREET SOUTH 01 DEGREES 13 MINUTES 14 SECONDS WEST 21.30 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID RIGHT-OF-WAY SOUTH 01 DEGREES 13 MINUTES 14 SECONDS WEST 78.70 FEET TO A POINT;

THENCE LEAVING SAID RIGHT-OF-WAY NORTH 88 DEGREES 46 MINUTES 46 SECONDS WEST 4.91 FEET TO A POINT;

THENCE NORTH 09 DEGREES 54 MINUTES 13 SECONDS WEST 101.91 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF ROBINSON AVENUE;

THENCE ALONG SAID RIGHT-OF-WAY SOUTH 88 DEGREES 46 MINUTES 46 SECONDS EAST 20.38 FEET TO A POINT;

THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 09 DEGREES 54 MINUTES 13 SECONDS EAST 21.71 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF REED STREET, SAID POINT BEING THE POINT OF BEGINNING;

SAID TRACT BEING 0.03 ACRES, 1429 SQUARE FEET, MORE OR LESS AS SHOWN ON EXHIBIT OF NEW SANITARY SEWER EASEMENT FOR TOMMIE TUFF.

LEGAL DESCRIPTION

TEMPORARY CONSTRUCTION EASEMENT 1

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 46 OF THE 18 DISTRICT, DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY OF ROBINSON AVENUE (28'R/W) AND THE WESTERLY RIGHT-OF-WAY OF REED STREET (34'R/W) WITH GEORGIA WEST STATE PLANE COORDINATES (N=1378854.09, E=2268721.28), SAID POINT BEING THE POINT OF BEGINNING;

THENCE ALONG THE WESTERLY RIGHT-OF-WAY OF REED STREET SOUTH 01 DEGREES 13 MINUTES 14 SECONDS WEST 21.30 FEET TO A POINT;

THENCE LEAVING SAID RIGHT-OF-WAY NORTH 09 DEGREES 54 MINUTES 13 SECONDS WEST 21.71 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF ROBINSON AVENUE;

THENCE ALONG SAID RIGHT-OF-WAY SOUTH 88 DEGREES 46 MINUTES 46 SECONDS EAST 4.19 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING;

SAID TRACT BEING 0.00 ACRES, 45 SQUARE FEET, MORE OR LESS AS SHOWN ON EXHIBIT OF NEW SANITARY SEWER EASEMENT FOR TOMMIE TUFF.

LEGAL DESCRIPTION

TEMPORARY CONSTRUCTION EASEMENT 2

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 46 OF THE 18 DISTRICT, DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY OF ROBINSON AVENUE (28'R/W) AND THE WESTERLY RIGHT-OF-WAY OF REED STREET (34'R/W) WITH GEORGIA WEST STATE PLANE COORDINATES (N=1378854.09, E=2268721.28);

THENCE ALONG THE WESTERLY RIGHT-OF-WAY OF REED STREET SOUTH 01 DEGREES 13 MINUTES 14 SECONDS WEST 100.00 FEET TO A POINT;

THENCE LEAVING SAID RIGHT-OF-WAY NORTH 88 DEGREES 46 MINUTES 46 SECONDS WEST 4.91 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING;

THENCE NORTH 88 DEGREES 46 MINUTES 46 SECONDS WEST 10.19 FEET TO A POINT;

THENCE NORTH 09 DEGREES 54 MINUTES 13 SECONDS WEST 51.32 FEET TO A POINT;

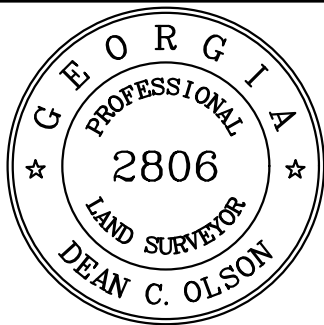
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THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 09 DEGREES 54 MINUTES 13 SECONDS EAST 101.91 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF REED STREET, SAID POINT BEING THE POINT OF BEGINNING;

SAID TRACT BEING 0.02 ACRES, 777 SQUARE FEET, MORE OR LESS AS SHOWN ON EXHIBIT FOR OF NEW SANITARY SEWER EASEMENT FOR TOMMIE TUFF.

THE PROPERTY HEREON LIES COMPLETELY WITHIN A JURISDICTION WHICH DOES NOT REVIEW ANY PLATS OR THIS TYPE OF PLAT PRIOR TO RECORDING. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.



Dean C. Olson

04-14-2021

DATE

DRAWN BY: TBS
CHECKED BY: DCO
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Phone: (770) 299-1005

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4046 Ga. Hwy. 154, Ste. 109
Newnan, GA 30265
Phone: (770) 424-7168

EXHIBIT OF A NEW SANITARY SEWER EASEMENT FOR:

TOMMIE TUFF

LOCATED IN L.L. 46
18th DISTRICT
DEKALB COUNTY, GA.

SHEET 2 OF 2

APPRAISAL CERTIFICATION

EXHIBIT 2

CERTIFICATION OF APPRAISER

I Hereby Certify:

That I have personally inspected the property appraised herein and that I have also made a personal field inspection of the comparable sales relied upon in making said appraisal. The subject and the comparable sales relied upon in making said appraisal were as represented in said appraisal or in the data book or report which supplements said appraisal.

That to the best of my knowledge and belief, the statements contained in the appraisal herein set forth are true and correct, the reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions, and conclusions. That my analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice. The appraiser is currently certified under the continuing education program of the State of Georgia through the date October 31, 2022.

That I understand that such appraisal may be used in connection with the acquisition for a project to be constructed by DeKalb County.

That such appraisal has been made in conformity with the appropriate State laws, regulations, and policies and procedures applicable to appraisal of right-of-way for such purposes; and that to the best of my knowledge, no portion of the value assigned to such property consists of items, which are non-compensable under the established law of said State.

That my compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event. That I have no personal interest in or bias with respect to the parties involved and that I have no present or prospective interest in the property that is the subject of this report. I have performed no services, as an appraiser or in any other capacity, regarding the subject property within three years prior to accepting this assignment

That I have not revealed the findings and results of such appraisal to anyone other than the property officials of the acquiring agency of said State or officials of the Federal Highway Administration and I will not do so until so authorized by said officials, or until I am required to do so by due process of law, or until I am released from this obligation by having publicly testified as to such findings.

That my opinion of just compensation for the acquisition as of the 18th day of February 2022 is **\$1,173.00** and this is based upon my independent appraisal and the exercise of my professional judgment.



Signature

February 18, 2022

Cynthia K. Milner
3888 Sovereign Dr.
Buford, GA 30519
770.868.9597

TEN DAY LETTER

EXHIBIT 3

David E. Hayes, Interim Director



DeKalb County
GEORGIA

October 16, 2022

VIA CERTIFIED MAIL RECEIPT: 7022 0410 0000 8782 3367

**Tommie Tuff
3199 Robinson Avenue
Scottsdale, GA 30079**

Chief Executive Officer
Michael Thurmond

Board of Commissioners

District 1
Robert Patrick

District 2
Jeff Rader

District 3
Larry Johnson

District 4
Stephen Bradshaw

District 5
Mereda Davis Johnson

District 6
Edward "Ted" Terry

District 7
Lorraine Cochran-Johnson

RE: PROJECT: 18-014 PKG 7

**COUNTY: DEKALB COUNTY DEPARTMENT OF WATERSHED
MANAGEMENT**

P.I. NUMBER: 18-014

PARCEL: 0042

Greetings:

As you know, DeKalb County, acting through Atlas Technical Consultants LLC (formerly Moreland Altobelli Associates, LLC), must acquire a portion of your property in conjunction with the construction of the above numbered project.

The property rights required have been explained by our negotiator and are shown on the plat attached to the option previously furnished you. The County seeks to acquire **1,429.00 square feet of Permanent Sewage Easement and 822.00 square feet of Proposed Temporary Construction Easement** from your property located at **3199 Robinson Ave Scottsdale, GA 30079**. Through a process of thorough review of expert appraisals, we believe that the Fair Market Value for your property is **\$1,173.00**. Your appraised value came in at **\$1,173.00** and we will honor the original Option amount indicated above. I have attached a copy of the Appraised Summary page for your review.

We prefer to acquire the property needed for sanitary sewer easement; however, we are authorized by law to acquire property by condemnation. As litigation is costly to both the County and Landowner, it is our sincere desire that upon reconsideration of our offer, a settlement agreement can be reached, hopefully avoiding litigation. Since negotiations for the required property rights have concluded, the County provides an administrative review process as a final opportunity toward reaching an amicable settlement. Should you elect to submit an administrative review, your request must be made directly to **Jeff Joyner, Atlas Technical Consultants LLC** within ten (10) days of this letter, or by **November 1, 2022**. This appeal should be requested by mail using the attached form. It must include the lowest monetary amount acceptable to you with any supporting documentation.

0'

Page 2

Project: PKG 7

P.I. Number: 18-014

County: DeKalb

Parcel: 0042

Upon receipt of your request for an administrative review, an authorized representative of DeKalb County will contact you to arrange a meeting for a discussion of your views and supporting documentation of the value of your property. With this being the final effort for settlement, please be prepared to furnish any supporting documentation. You are not required to be represented by an attorney; however, anyone you deem necessary may accompany you. Should this final review fail to produce an agreement, condemnation action will be initiated.

Legal proceedings will be instituted after **November 1, 2022** if we have not received an executed option, a request for an administrative review, or some other form of satisfactory reply. We regret that such action may become necessary, but we must proceed with acquisition in order to meet the scheduled construction dates.

Yours Very Truly,



Jeff Joyner

S.E. Region Right of Way Manager

Atlas Technical Consultants LLC

cc: Chase Fuller, Atlas Technical Consultants

Date: _____

Jeff Joyner
S.E. Region Right of Way Manager
Atlas Technical Consultants LLC
2450 Commerce Avenue
Suite 100
Duluth, GA 30096-8910

Subject: Administrative Appeal of Fair Market Value
Project Number: 18-014
County: DeKalb
Parcel Number: 0042

Dear Mr. Joyner:

I am requesting that you review the offer that was presented to me by Atlas Technical Consultants LLC. After having considered the County's offer of **\$1,173.00**, I am of the opinion that the least I can settle this matter for is \$_____ in view of the following support of my estimate of value. (A settlement amount must be specified for consideration):

Name: _____

Address: _____

Email: _____

Phone #: _____

Signature: _____

INTENT TO CONDEMN LETTER

EXHIBIT 4

David E. Hayes, Director



February 15, 2023

Certified Mail Receipt: 7020 1810 0000 5721 0055

Tommy Tuff
3199 Robinson Avenue
Scottsdale, GA 30079

Re: Intent to Condemn-DeKalb County, Georgia for
Public Sanitary Sewer Collection and Treatment and
Wastewater Purposes

Project Tract No. 18-014-042
Property Parcel Tax ID # 18-046-03-016,
Property Address: 3199 Robinson Avenue, Scottsdale, GA 30079

Dear Property Owners:

Under Georgia State Laws, a County is empowered to acquire private property for public use by payment of just and adequate compensation for that property. Based on our appraisal of your property, DeKalb County is offering payment to you in the amount of **\$1,173.00**. Since negotiations have failed, it is being recommended that your property be acquired through condemnation action, which will assure you of having opportunity to present evidence of value in a condemnation proceeding and the right of appeal for a jury trial.

The DeKalb County Board of Commissioners will consider a resolution to condemn your property at its regularly scheduled meeting held on **Tuesday, February 28, 2023 at 10:00 a.m. at the Manuel J. Maloof Auditorium, 1300 Commerce Drive, Decatur, Georgia 30030**. While your presence at this meeting is not required, you may attend if you so desire. Should the Board vote to condemn your property, you will be notified.

If you receive a carbon copy of this letter, we may not be condemning your ownership interest in this property; however, we are giving all parties who have any ownership interest in this property notice of this intent to condemn. For your review, we have attached a plat and legal description showing the actual boundaries of the property being considered for condemnation so that you can determine if your ownership interest is affected.

I would like to point out that even after the initiation of condemnation proceedings, the County will work with you in an attempt to reach a mutual agreement. In the meantime, should you decide

Chief Executive Officer
Michael Thurmond

Board of Commissioners

District 1
Robert Patrick

District 2
Michelle Long Spears

District 3
Larry Johnson

District 4
Stephen Bradshaw

District 5
Mereda Davis Johnson

District 6
Edward "Ted" Terry

District 7
Lorraine Cochran-Johnson

to reconsider the County's offer or if you have any questions, please call Rasheedah Oliver at (404) 454-8559.

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions regarding this correspondence.

Sincerely,

David Hayes

David Hayes

Director of Watershed Management Division